UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.15/1998/7
23 March 1998

ORIGINAL: ENGLISH

COMMISSION ON CRIME PREVENTION
AND CRIMINAL JUSTICE
Seventh session
Vienna, 21-30 April 1998
Item 6 (b) of the provisional agenda*

INTERNATIONAL COOPERATION IN COMBATING TRANSNATIONAL CRIME

MUTUAL ASSISTANCE AND INTERNATIONAL COOPERATION IN CRIMINAL MATTERS

Note by the Secretary-General

The Secretary-General has the honour to submit to the Commission on Crime Prevention and Criminal Justice the report of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998 (see annex).

*E/CN.15/1998/1.

V.98-51977 (E)

Annex

REPORT OF THE INTERGOVERNMENTAL EXPERT GROUP ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS, HELD AT ARLINGTON, VIRGINIA, UNITED STATES OF AMERICA, FROM 23 TO 26 FEBRUARY 1998

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INTRODUCTION

1. The Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters was convened by the Secretary-General in response to General Assembly resolution 52/88, section I, and pursuant to Economic and Social Council resolution 1995/27, section I. The Assembly, in its resolution 52/88, section I, had recommended that the Expert Group should explore ways and means of increasing the efficiency of that type of international cooperation, having due regard to the rule of law and the protection of human rights, including by drafting alternative or complementary articles for the Model Treaty on Mutual Assistance in Criminal Matters (Assembly resolution 45/117, annex), developing model legislation and providing technical assistance in the development of agreements.

2. The Meeting complemented the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996 (E/CN.15/1997/6 and Corr.1, annex).

I. RECOMMENDATIONS

3. The Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters recommends to the Commission on Crime Prevention and Criminal Justice the consideration of the following draft resolution:

DRAFT RESOLUTION

Mutual assistance and international cooperation in criminal matters

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

The Economic and Social Council recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Bearing in mind that United Nations model treaties on international cooperation in criminal matters provide important tools for the development of international cooperation,

Convinced that existing arrangements governing international cooperation in criminal justice must be regularly reviewed and revised to ensure that the specific contemporary problems of fighting crime are effectively addressed,

Bearing in mind that developing countries and countries with economies in transition may lack the resources for developing and implementing treaties on mutual assistance in criminal matters,

Convinced that complementing and supplementing the United Nations model treaties will contribute to increased efficiency in combating criminality,

Recalling its resolution 45/117 of 14 December 1990, in which it adopted the Model Treaty on Mutual Assistance in Criminal Matters, annexed to that resolution,

Recalling also its resolution 52/88 of 12 December 1997,

Commending the work of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998, to implement in part General Assembly resolution 52/88 by proposing complementary provisions for the Model Treaty on Mutual Assistance in Criminal Matters, elements for model legislation on mutual assistance in criminal matters, and training and technical assistance for national officials engaged in that field,

Commending also the Government of the United States of America for hosting the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, for its substantial contribution to the organization of the Meeting and for the support given by the National Institute of Justice of the United States Department of Justice through the programme of the United Nations On-line Crime and Justice Clearing House,

1. *Welcomes* the report of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998;[1]

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[1] E/CN.15/1998/7, annex.

2. *Decides* that the Model Treaty on Mutual Assistance in Criminal Matters should be complemented by the provisions set forth in annex I to the present resolution;

3. *Encourages* Member States, within the framework of national legal systems, to enact effective legislation on mutual assistance and calls upon the international community to give all possible assistance in order to contribute to the achievement of that goal;

4. *Requests* the Secretary-General to elaborate, in consultation with Member States and subject to the availability of extrabudgetary resources, for submission to the Commission on Crime Prevention and Criminal Justice, model legislation on mutual assistance in criminal matters, in order to enhance effective cooperation between States, taking into account the elements recommended by the Expert Group on Mutual Assistance in Criminal Matters for inclusion in such model legislation, which are set forth in annex II to the present resolution;

5. *Invites* Member States to take into account the Model Treaty on Mutual Assistance in Criminal Matters in developing treaty relations at the bilateral, regional or multilateral level, as appropriate;

6. *Invites* Member States to consider, where applicable and within the framework of national legal systems, the following measures in the context of the application of treaties on mutual assistance in criminal matters or other arrangements for such mutual assistance:

(a) Establishing and designating a national central authority or authorities to process requests for assistance;

(b) Undertaking regular reviews of their treaties on mutual assistance in criminal matters or other arrangements and implementing legislation, as well as taking other necessary measures for the purpose of rendering such arrangements and legislation more efficient and effective in combating established and emerging forms of crime;

(c) Concluding asset-sharing arrangements as a means of enabling forfeited proceeds of crime to be used to strengthen the capacity of national criminal justice systems and contributing a part of such proceeds to programmes for technical assistance, including training, to enhance national capacities for fighting crime in developing countries and in countries with economies in transition;

(d) Making use of videoconferencing and other modern means of communications for, *inter alia*, transmission of requests, consultation between central authorities, taking testimony and statements, and training;

7. *Encourages* Member States to promote, on a bilateral, regional or worldwide basis, measures to improve the skills of officials in order to strengthen mutual assistance mechanisms, such as specialized training and, whenever possible, secondment and exchanges of relevant personnel, and to consider the use of videoconferencing and other modern means of communications for training purposes;

8. *Reiterates* its invitation to Member States to provide to the Secretary-General copies of relevant laws and information on practices related to international cooperation in criminal matters and in particular to mutual assistance in criminal matters, as well as updated information on central authorities designated to deal with requests;

9. *Requests* the Secretary-General:

(a) Subject to the availability of extrabudgetary resources, to regularly update and disseminate the information mentioned in paragraph 8 above and, in particular, to prepare, for use by Member States, a directory of central authorities responsible for mutual legal assistance, drawing on the information already collected during the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters;

(b) To continue to provide advisory and technical cooperation services to Member States requesting assistance in drafting and implementing appropriate national legislation, developing and implementing bilateral, subregional, regional or international treaties on mutual assistance in criminal matters, drawing on the expertise of Member States as appropriate;

(c) To provide, in cooperation with interested Member States and relevant intergovernmental organizations, and subject to the availability of extrabudgetary resources, training on mutual assistance law and practice for personnel in appropriate governmental agencies and for central authorities of requesting Member States in an effort to develop the necessary skills and to improve communications and cooperation aimed at enhancing the effectiveness of mutual assistance mechanisms;

10. *Requests* the Secretary-General, subject to the availability of extrabudgetary resources and in cooperation with interested Member States, relevant intergovernmental organizations and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to develop appropriate training materials for use in providing to requesting Member States the technical assistance referred to above;

11. *Commends* the International Institute of Higher Studies in Criminal Sciences of Siracusa, Italy, for its offer to organize and host up to two training seminars for mutual assistance officials and invites interested Member States to provide voluntary contributions to offset the travel costs of officials from developing countries and from countries with economies in transition and to make substantive contributions to the seminars;

12. *Urges* Member States and funding agencies to assist the Secretary-General in implementing the present resolution through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund;

13. *Also requests* the Secretary-General to ensure the full implementation of the provisions of the present resolution.

ANNEX I

Complementary provisions for the Model Treaty on Mutual Assistance in Criminal Matters

Article 1

1. In paragraph 3 (*b*), replace the words "Optional Protocol to" with the words "article 18 of".

Article 3

2. In the title of article 3 delete the word "competent".

3. Insert the word "central" before the word "authority".

4. Add the following footnote to the end of article 3:

> "Countries may wish to consider providing for direct communications between central authorities and for the central authorities to play an active role in ensuring the speedy execution of requests, controlling quality and setting priorities. Countries may also wish to agree that the central authorities are not the exclusive channel for assistance between the Parties and that the direct exchange of information should be encouraged to the extent permitted by domestic law or arrangements."

Article 4

5. In the footnote to paragraph 1, replace the last sentence with the following:

> "Countries may wish, where feasible, to render assistance, even if the act on which the request is based is not an offence in the requested State (absence of dual criminality). Countries may also consider restricting the requirement of dual criminality to certain types of assistance, such as search and seizure."

6. In paragraph 1 (*d*) delete the words "investigation or".

7. The English version of paragraph 1 (*d*) should be changed as follows, in order to be in line with the versions in the other languages:

> "(*d*) The request relates to an offence for which a prosecution is ongoing in the requested State or the prosecution of which in the requesting State would be incompatible with the requested State's law on double jeopardy (*ne bis in idem*)."

8. Add the following footnote to the end of paragraph 4:

> "States should consult in accordance with article 20 before assistance is refused or postponed."

Article 5

9. Add the following footnote to the end of paragraph 2:

"In urgent cases, countries may wish to provide that the request may be made by modern means of communication, including verbal requests that are confirmed in writing forthwith."

Article 6

10. Add the following footnote to the end of the article 6:

"The requested State should obtain such judicial orders as may be necessary for the execution of the request. Countries may also wish to agree, in accordance with national legislation, to represent or act on behalf or for the benefit of the requesting State in legal proceedings necessary to secure such orders."

Article 8

11. Add the following words to the end of the footnote to article 8:

", or restrict use of evidence only where the requested State makes an express request to that effect."

12. Add the following words to the beginning of article 8: "Unless otherwise agreed,"

Article 11

13. Add the following footnote to the end of paragraph 2:

"Wherever possible and consistent with the fundamental principles of domestic law, the Parties should permit testimony, statements or other forms of assistance to be given via video link or other modern means of communication and should ensure that perjury committed under such circumstances is a criminal offence."

Article 12

14. In the English version of paragraph 1, replace the word "required" with the words "called upon".

15. Add the following footnote to the end of the article:

"Some countries may wish to provide that a witness who is testifying in the requesting State may not refuse to testify on the basis of a privilege applicable in the requested State."

New article 18

16. Insert as new article 18, entitled "Proceeds of crime", paragraphs 1 to 6 of the Optional Protocol to the Model Treaty on Mutual Assistance in Criminal Matters concerning the proceeds of crime and delete the remaining text of the Optional Protocol, including the footnotes.

17. Replace the word "Protocol" with the word "article" throughout the new article.

18. Add the following footnote to the end of the title of the new article:

"Assistance in forfeiting the proceeds of crime has emerged as an important instrument in international co-operation. Provisions similar to those outlined in the present article appear in many bilateral assistance treaties. Further details can be provided in bilateral arrangements. One matter that could be considered is the need for other provisions dealing with issues related to bank secrecy. An addition could, for example, be made to paragraph 4 of the present article, providing that the requested State shall, upon request, take such measures as are permitted by its law to require compliance with monitoring orders by financial institutions. Provisions could be made for the equitable sharing of the proceeds of crime between the Contracting States or for consideration of the disposal of the proceeds on a case-by-case basis."

19. Add the following footnote to the end of paragraph 5:

"The Parties might consider widening the scope of the present article by the inclusion of references to victims' restitution and the recovery of fines imposed as a sentence in a criminal prosecution."

Articles 18-21

20. Renumber the former article 18 (it should become article 19) and renumber all subsequent articles accordingly.

ANNEX II

Elements recommended for inclusion in model legislation on mutual assistance in criminal matters

A. General recommendation

1. Model legislation on mutual assistance in criminal matters should reflect in statutory terms the general provisions of the Model Treaty on Mutual Assistance in Criminal Matters, together with the recommendations contained in annex I above. To the extent possible, it should provide different options for States with different legal systems. Where relevant, it should take into account provisions of the model bill on mutual assistance in criminal matters developed in 1998 by the United Nations International Drug Control Programme.

B. Scope

2. The model legislation should provide a full range of flexible options for assuming mutual assistance obligations. When there is a treaty on mutual assistance in criminal matters, the terms of that treaty should govern the relationship. The legislation should also permit mutual assistance to be provided without a treaty, with or without reciprocity.

C. Jurisdiction

3. The model legislation should contain provisions to provide for jurisdiction, *inter alia*:

(a) To issue judicial orders necessary for executing mutual assistance requests;

(b) To authorize the requested State to act on behalf or for the benefit of, or to represent the interests of, the requesting State in legal proceedings necessary for executing mutual assistance requests;

(c) To punish perjury committed during mutual assistance, in particular perjury committed during videoconferencing.

D. Procedure

4. The model legislation should include options for procedures dealing with both incoming and outgoing requests for assistance in criminal matters. Such procedures should be in conformity with, whenever applicable, international and regional human rights instruments. Where no treaty provision is applicable, the legislation could also contain provisions on specific forms of mutual assistance, including testimony and other forms of cooperation carried out via video link, cooperation in asset seizure and forfeiture, and temporary transfer of witnesses in custody.

5. The model legislation should provide for the establishment of a central authority or authorities for the receipt and transmission of requests and the provision of advice and assistance to relevant authorities. The legislation should also specify the extent of the central authority's powers.

E. Communications

6. Where no treaty provision is applicable, the legislation should set forth the means of communicating between the requesting State and the requested State, allowing for use of the most modern forms of communication.

II. ORGANIZATION OF THE MEETING

A. Opening of the Meeting

4. The Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters was held at Arlington, Virginia, United States of America, from 23 to 26 February 1998. The Meeting was hosted by the Department of Justice and the Department of State of the United States Government. The Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat served as secretariat of the Meeting.

5. At the opening meeting, a statement was made by a representative of the Centre. A representative of the Criminal Division of the United States Department of Justice made an introductory statement. In her view, it was critical that States had the tools to ensure that bilateral and multilateral regimes for obtaining international mutual assistance in criminal investigations and prosecution could respond effectively to the problem of transnational crime. In addition to the further development of the Model Treaty on Mutual Assistance in Criminal Matters and the development of model legislation, training programmes and technical assistance were vital for mutual assistance regimes to be truly effective.

6. A representative of the National Institute of Justice of the United States Department of Justice, in his address, said that providing support to the Meeting was one of the activities of the Institute in support of the United Nations Crime Prevention and Criminal Justice Programme.

B. Attendance

7. The Meeting was attended by 67 experts appointed by the Governments of 38 countries and by observers for 3 intergovernmental organizations (see appendix).

C. Election of officers

8. Kenneth J. Harris (United States of America) was elected Chairman of the Meeting, and Augustine V. M. Chikumira (Zimbabwe) was elected Rapporteur. The discussion on agenda item 3 was chaired by Carlos Pujalte Piñeiro (Mexico), the discussion on agenda items 4 and 5 was chaired by Luigi Augusto Lauriola (Italy) and the discussion on items 6 and 7 was chaired by K. C. Singh (India).

D. Adoption of the agenda

9. The Meeting adopted the following agenda:

1. Opening of the Meeting and adoption of the agenda and organization of work.

2. Introduction to and discussion of common problems in mutual assistance law and practice and potential solutions.

3. Competent authorities, channels of communications, issues relating to the scope of application and refusal of assistance.

4. Use, limitations and protection of confidentiality, execution of requests and representation of the requesting State.

5. Forms and contents of request, obtaining testimony or evidence, use of video-link technology, collection of fines, restitution, forfeiture or confiscation.

6. Model legislation, alternative or complementary articles of the Model Treaty on Mutual Assistance in Criminal Matters and articles for possible model multilateral agreements.

7. Training and technical assistance mechanisms and materials to improve the level of mutual assistance practice.

8. Summary of conclusions and recommendations of the Meeting; and adoption of the report to be submitted to the Commission on Crime Prevention and Criminal Justice at its seventh session.

9. Closure of the Meeting.

III. SUMMARY OF THE DISCUSSION

10. Drawing on a background paper prepared by the Centre, the experts considered the central problems of law and practice in mutual assistance in criminal matters. It was emphasized that, in order to respond to new

and more sophisticated forms of crime, there was a need to increase the efficiency of mutual assistance procedures, to modernize existing tools and, where possible, to develop new forms of cooperation with due regard to the rule of law and the protection of human rights. Assistance should take place at the bilateral, regional and global levels. Among the issues identified as particularly significant were the following: the role of central authorities in expediting and monitoring requests and the ability of States to execute requests, providing for modern forms of assistance, such as the use of video-link technology; international cooperation concerning the proceeds of crime and the importance of training and technical assistance; and the need to adopt procedures that would bridge gaps between different legal systems.

11. All experts agreed that it was of paramount importance to respond to requests as expeditiously as possible. Delayed execution of requests could seriously impede the investigation and prosecution of crime. There was broad consensus that the use of modern means of communication could be part of the solution to the problem. Therefore, it was suggested that States could make urgent requests by such means of communication, including verbal requests to be confirmed in writing forthwith.

12. Participants discussed the role of treaties in mutual assistance in criminal matters on the basis of the Model Treaty on Mutual Assistance in Criminal Matters and national experience. It was stated that treaties, bilateral, regional, intraregional and multilateral, had the benefit of providing certainty of requirements and clear obligations. Many States relied on bilateral mutual assistance agreements, tailored to their particular needs in the area of bilateral relations. The value of regional and subregional agreements lay in the creation of a standardized legal framework for a larger group of countries, contributing to cost-effectiveness and streamlined assistance procedures. It was underscored, however, that mutual assistance should also be available without treaty, especially in cases involving serious types of crime.

13. Particular reference was made to the benefits of regional cooperation for the creation of legal instruments of cooperation and the training of experts. Regional agreements, such as the ones concluded by the Economic Community of West African States (ECOWAS), the Common Market of the Southern Cone (MERCOSUR), the Organization of American States, the Council of Europe and the European Community, were mentioned as reflecting the special needs of the States members of those organizations.

14. Regional agreements allowed for training that focused on the special needs and conditions of the member States of those organizations. Where appropriate, technical assistance to strengthen those structures could be best provided at the regional or subregional level. For example, ECOWAS, with assistance provided through the United Nations, had first developed a convention and then started a series of training activities for its member States.

15. Special emphasis was placed on improving the channels of communication. It was noted that traditional channels of communication involved a large number of authorities. Because there was an opportunity for delay at each link in the lengthy chain of communication, execution of requests and transmission of the evidence sometimes took place too late to be of use in the requesting State. Direct contact between the central authorities of the States parties to the treaty could contribute to more speedy communication. In addition, the central authorities could play an important role in implementing the treaty at the national level and advising local authorities on the special implications of international requests and could serve as a basis for information on relevant international instruments and legislation. Practical assistance rendered by the United Nations should include collecting information on central authorities on mutual assistance in criminal matters, establishing a database and preparing and distributing to relevant institutions a publication containing that information. One observer mentioned that at the regional level such initiatives had already been taken. Several participants supported a proposal that similar action should also be carried out at the global level. A form asking for information on central authorities was handed out, as a first step, to all participants with the request to return it to the Secretariat.

16. There was limited discussion of the feasibility of making mutual assistance agreements accessible to private parties. Many experts were of the opinion that such treaties should be open only to the States parties thereto. Some speakers noted that acting on behalf of private parties could create a conflict of interest for the executing authorities in the requested State and add a significant administrative burden.

17. With respect to article 8 of the Model Treaty, concerning limitations on the use of evidence obtained, some experts stressed the value of having such limitations, adding that the provision in its current form offered sufficient flexibility. Others, however, believed that the use of evidence should be restricted only where the requested State made an express request to that effect. The Meeting made a recommendation to add a footnote to the Model Treaty that would reflect that option.

18. On the issue of grounds for refusal because of the political nature of the offence, some experts expressed the view that assistance should be rendered when such an offence was a violent act. That would be in line with regulations that had already been agreed upon for the revised Model Treaty on Extradition and that were reflected in international conventions. Other experts felt that the issue was still controversial and would need further discussion.

19. A thorough discussion took place on the question of whether a State should refuse, or merely postpone, the execution of a request where the request related to an offence that was subject to investigation or prosecution in the requested State. While there was consensus that the mere possibility of an investigation should not constitute a ground for refusal, some speakers favoured allowing a refusal of assistance where the request related to an offence for which a prosecution was ongoing in the requested State. The Meeting recommended revising article 4, paragraph 1 (d), of the Model Treaty on Mutual Assistance in Criminal Matters to reflect the consensus that had been reached on it.

20. It was noted that the grounds for postponement specified in article 4, paragraph 3, of the Model Treaty were broader than the grounds for refusal set forth in article 4, paragraph 1 (d), which dealt with concerns about double jeopardy. There was also consensus that States should consult with each other prior to refusing or postponing assistance.

21. There was a thorough discussion of whether States should be able to refuse assistance based upon a lack of dual criminality. It was stated that States should endeavour to provide the widest measure of mutual assistance possible. Therefore, some experts were of the opinion that States should render assistance whenever feasible, even in the absence of dual criminality, and that a dual criminality requirement should be limited to cases involving compulsory process. Others, however, expressed the view that dual criminality was essential to the concept of mutual assistance, particularly regarding the most intrusive forms of mutual assistance. A number of speakers believed that States should further consider their position on dual criminality with a view to affording the broadest possible mutual assistance.

22. There was general discussion about representation of the requesting State in connection with the execution of requests for mutual assistance. A number of experts expressed the view that there should be an obligation on the part of the requested State to represent the requesting State. That was particularly important in cases requiring the involvement of judicial authorities and the issuance of judicial orders such as an order for search and seizure. It was noted that problems might arise where the requesting and requested States had a conflict of interest or where a request was made on behalf of a criminal defendant or target of investigation. Nonetheless, there was broad consensus that, by signing a treaty, a State undertook to act on behalf or for the benefit of its treaty partner. Conflicts of interest could be resolved on a case-by-case basis.

23. There was general agreement that among the most powerful weapons against criminal activity were laws providing for, and international cooperation on, the seizure or confiscation of the proceeds of crime. Speakers

recognized that the provisions included in the Optional Protocol to the Model Treaty on Mutual Assistance in Criminal Matters concerning the proceeds of crime (General Assembly resolution 45/117, annex) were extremely useful in that regard. Because of the importance of cooperation in that area, integrating the Optional Protocol into the body of the Model Treaty was considered by the experts to be a priority.

24. A number of speakers also advocated the inclusion of language providing for the equitable sharing of confiscated proceeds of crime. There was a general understanding that States should be recommended to consider asset-sharing on an equitable basis. A case-by-case resolution was favoured by some speakers. The relevant provisions of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988[1] were referred to as possible guidelines for future consideration.

25. The participants recognized the critical importance of modernizing mutual assistance mechanisms with a view to countering evolving forms of criminality. In particular, there was considerable enthusiasm for increasing the use of video-link technology as a form of mutual assistance. Some experts shared their experiences in their countries to illustrate the utility of video links. It was noted that obtaining testimony via video link not only could aid in the protection of witnesses but, after the initial investment in developing or purchasing the technology, could also result in significant savings. A number of speakers noted, however, that disparities in development might hinder some countries from taking advantage of, or providing other countries with access to, modern communications technology. Technical assistance and funding were required to deal with that situation.

26. It was agreed that perjury committed in the context of video-link testimony had to be punishable as a criminal offence. The question was raised whether perjury should be prosecuted in the requesting State or the requested State. It was noted that further consideration had to be given to the rules on privileges that might apply in that context. Some countries did not permit the use of testimony taken by video-link or direct questioning by foreign authorities of individuals in their territory. Despite those possible problems, there was broad consensus on the need to further the use of video links and other forms of modern technology in the context of mutual assistance, consistent with the fundamental principles of domestic law. A presentation on modern training and technical assistance given by a representative of the National Institute of Justice of the United States Department of Justice further revealed the wide range of possibilities that modern technology could offer.

27. The experts also discussed general principles that should be included in any model legislation on mutual assistance to be subsequently developed (see annex II to the draft resolution contained in chapter I above). It was generally agreed that such legislation would be particularly useful for implementing obligations contained in mutual assistance treaties. The model legislation should provide different options that countries could choose from during the process of preparing legislation. With regard to provisions governing specific forms of assistance and procedures for making and executing requests, it was felt that the Model Treaty on Mutual Assistance in Criminal Matters generally provided a suitable framework.

28. Many speakers expressed the interest of their Governments in technical assistance and training as a means of enhancing capabilities in the mutual assistance area, including training seminars, expert meetings, research and advisory services. Particular interest was expressed in technical assistance and training to permit all interested States to make use of modern technology such as the Internet and videoconferencing. It was noted that the United Nations Crime and Justice Information Network and the United Nations On-line Crime and Justice Clearing House provided the beginning of a technological infrastructure that could be further extended in order to provide those capabilities. In addition to other forms of voluntary contributions, it was suggested that donor States should consider donating a portion of the forfeited assets to programmes aimed at enhancing national capacities for fighting crime in developing countries and in countries with economies in transition or for technical assistance and training in the area of mutual assistance.

29. The experts prepared a draft resolution for consideration by the Commission on Crime Prevention and Criminal Justice (see chapter I above). The draft resolution contained recommendations for action to enhance the effectiveness of international mutual assistance. The experts recognized that the draft resolution would have to be sponsored by a member State of the Commission. Because the draft resolution represented the product of the deliberations of the entire Expert Group and not that of a single member State, the Expert Group expressed the wish that the resolution could be co-sponsored by all States whose Governments had appointed experts to attend the Meeting.

Notes

[1]*Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

Appendix

LIST OF PARTICIPANTS

Experts

Kureng Akuei Pac (Sudan), Third Secretary, Alternate Permanent Representative of the Sudan to the United Nations (Vienna)

Adel Al-Jubeir (Saudi Arabia), First Secretary, Royal Embassy of Saudi Arabia, Washington, D.C.

Nail A. Al-Jubeir (Saudi Arabia), Second Secretary, Royal Embassy of Saudi Arabia, Washington, D.C.

Tarik Allagany (Saudi Arabia), Information Supervisor, Royal Embassy of Saudi Arabia, Washington, D.C.

Estrella Barrantes (Costa Rica) Vice Consul, Consulate of Costa Rica, Washington, D.C.

Carlos Rodriguez Bocanegra (Colombia), Legal Office's Delegate, Ministry of Foreign Affairs

Celal Bodur (Turkey), Chief, Ministry of Interior, General Directorate of Security

Cyprien F. Boko (Benin), Magistrat, Secrétaire Général du Ministère de la justice, de la legislation et des droits de l'homme

Jeffrey Bullwinkel (United States of America), Trial Attorney, Office of International Affairs, Criminal Division, Department of Justice

Arturo Cabrera (Ecuador), First Secretary, Embassy of Ecuador, Washington, D.C.

Victor Manuel Caro (Colombia), Administrative Assistant, Embassy of Colombia, Washington, D.C.

Sergey Chapkey (United States of America), International Visiting Fellow, National Institute of Justice, Department of Justice

Abdelhamid Ben Cheikh (Tunisia), Substitut de l'Avocat Général, Ministère de la justice

Augustine V. M. Chikumira (Zimbabwe), Director of Public Prosecutions, Office of the Attorney General

Juan Carlos Cue Vega (Mexico), Director General de Asuntos Legales Internacionales, Procuraduría General de la República

Gustavo Adolfo de Paoli (Arge ıtina), Sub-director General de Asuntos Jurídicos, Ministerio de Relaciones Exteriores, Comercio Internacional y Culto

Anne Delahaye (France), Service des affaires européennes et internationales, Ministère de la justice

Ilse Dias (Costa Rica), Asesora Jurídica, Ministerio de Relaciones Exteriores y Culto

Duan Jielong (China), First Secretary, Legal Section, Permanent Mission of China to the United Nations

El Fatih Mohamed Ahmed Erwa (Sudan), Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Sudan to the United Nations

Milton Evans (Bahamas), Assistant Director of Legal Affairs

Omer Dahab Fadol Mohamed (Sudan), Counsellor, Alternate Permanent Representative of the Sudan to the United Nations

Fernando Flores (Ecuador), Minister, Embassy of Ecuador, Washington, D.C.

John Harris (United States of America), Deputy Director, Office of International Affairs, Department of Justice

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Remiglo R. Kanyemba (Zimbabwe), Officer in Command, Criminal Investigation Department

Kenny Kapinga (Botswana), Senior Superintendent, Senior Staff Officer, Legal Services, Office of the Commissioner of Police, Police Headquarters

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Augustin K. Kouame (Côte d'Ivoire), Directeur des affaires civiles et pénales, Ministère de la justice et des libertés publiques

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Luigi Augusto Lauriola (Italy), Minister, Ministry of Foreign Affairs

In Gyu Lee (Republic of Korea), Counsellor for Legal Affairs, Embassy of the Republic of Korea, Washington, D.C.

Ahmad bin Maarop (Malaysia), Senior Federal Counsel, Head of Advisory Division, Attorney General's Chambers

Alhaji Bubacarr M. Marong (Gambia), State Counsel, Department of State for Justice and Attorney-General's Chambers

Jaime Visbal Martelo (Colombia), Asesor Despacho Ministro, Ministerio de Justicia y del Derecho

Faqir Zia Masoom (Pakistan), Minister, Embassy of Pakistan, Washington, D.C.

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Organization for Security and Cooperation in Europe

Organization of American States

United Nations Secretariat

Centre for International Crime Prevention, Office for Drug Control and Crime Prevention

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.15/1998/8
19 February 1998

ORIGINAL: ENGLISH

COMMISSION ON CRIME PREVENTION
AND CRIMINAL JUSTICE
Seventh session
Vienna, 21-30 April 1998
Item 7 of the provisional agenda*

USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE

Report of the Secretary-General

Summary

The present report highlights recent developments in the promotion of the use and application of existing United Nations standards and norms, pursuant to Economic and Social Council resolutions 1993/34 and 1997/32, focusing on ways and means of improving current procedures. It also contains information on the strengthening of system-wide coordination in the field of juvenile justice, in accordance with Council resolution 1997/30, and provides an overview of the implementation of Council resolution 1997/31 on victims of crime and abuse of power.

*E/CN.15/1998/1.

V.98-51132 (E)

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INTRODUCTION

1. The present report has been prepared in response to Economic and Social Council resolutions 1992/22, 1997/30 and 1997/31. It covers three topics, namely, the information-gathering process on the use and application of standards and norms in crime prevention and criminal justice, the administration of juvenile justice and the issue of victims of crime and abuse of power.

2. In its resolution 1992/22, section VII, the Economic and Social Council decided that the Commission on Crime Prevention and Criminal Justice should include in its agenda a standing item on existing United Nations standards and norms in the field of crime prevention and criminal justice, which serve as recommendations to Member States, including their use and application. The information-gathering process on the use and application of standards and norms in crime prevention and criminal justice was established by the Council in its resolution 1993/34, section III, paragraph 7 (c). The present report outlines some possible strategies for the further development of the information-gathering system, which currently includes 11 standards, namely, the Standard Minimum Rules for the Treatment of Prisoners,[1] the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex), together with the Basic Principles for the Use of Force and Firearms by Law Enforcement Officials,[2] the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex), the Basic Principles on the Independence of the Judiciary,[3] the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33, annex), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112, annex), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113, annex), the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (General Assembly resolution 45/110, annex), the Basic Principles on the Role of Lawyers[4] and the Guidelines on the Role of Prosecutors.[5]

3. The Economic and Social Council, in its resolution 1997/30 on the administration of juvenile justice, requested the Secretary-General to report to the Commission on the implementation of that resolution on a biennial basis. As requested by the Bureau of the Commission, the cycle of biennial reporting starts with the seventh session of the Commission. Accordingly, the attention of the Commission is invited to the Guidelines for Action on Children in the Criminal Justice System, as elaborated by the Commission at its sixth session and approved by the Council in resolution 1997/30, the draft text of which was prepared by an expert group meeting. The aims of the Guidelines are to provide a framework to achieve the following objectives: (a) to implement

the Convention on the Rights of the Child (General Assembly resolution 44/25, annex) and to pursue the goals set forth in the Convention with regard to children in the context of the administration of juvenile justice, as well as to use and apply the United Nations standards and norms in juvenile justice, as well as other related instruments; and (b) to facilitate the provision of assistance to States parties for the effective implementation of the Convention and related instruments. With regard to mechanisms for the implementation of technical advice and assistance projects, as contained in the Guidelines, chapter II contains information on action taken by the Committee on the Rights of the Child, the Centre for International Crime Prevention, including the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund (UNICEF), and the network of non-governmental organizations in juvenile justice.

4. Pursuant to Economic and Social Council resolution 1997/31 on victims of crime and abuse of power, chapter III provides an overview of the recent activities undertaken to further the use and application of the Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power.

I. INFORMATION-GATHERING ON THE USE AND APPLICATION OF STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE

5. The Economic and Social Council, in its resolution 1993/34, section III, requested the Secretary-General to commence a process of information-gathering to be undertaken by means of surveys, such as reporting systems, and contributions from other sources. The Council further decided that the surveys should be conducted over a two-year period in order to enable Member States to have sufficient time to provide replies.

6. The gathering of information aims at gaining a better understanding of how Member States use the instruments in practice and to what extent the international instruments are reflected in national laws and regulations. Questionnaires concerning the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Basic Principles on the Independence of the Judiciary were endorsed by the Council, in its resolution 1994/18, and surveys on the use and application of those instruments reflecting the replies of Member States were submitted to the Commission at its fifth session (E/CN.15/1996/16/Add.1-4).

7. Pursuant to Economic and Social Council resolution 1995/13, a questionnaire on the use and application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty has been disseminated to Member States. The results of the survey, based on 51 country replies, are summarized in an addendum to the present report (E/CN.15/1998/8/Add.1).

8. In its resolution 1997/32, the Economic and Social Council requested the Secretariat to prepare the relevant survey instruments on the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), the Guidelines on the Role of Prosecutors and the Basic Principles on the Role of Lawyers for submission to the Commission at its seventh session. Those survey instruments will be submitted for the consideration of the Commission in a conference room paper (E/CN.15/1998/CRP.3).

9. In the past, in order to avoid overburdening Member States with responding to the questionnaires, as well as the Secretariat in analysing the replies, a "staggered" approach was adopted, i.e. a set of instruments was selected and questionnaires developed in the first year, replies from Member States were analysed and comprehensive reports were submitted to the Commission in the third year, while questionnaires were

developed for another set of instruments in the second year, the results of which were reported in the fourth year.

10. The Economic and Social Council invited Governments that had not yet done so to provide the Secretariat with information regarding the standards in crime prevention and criminal justice referred to in Council resolution 1996/16. The information received as at 15 February 1998 is as follows:

United Nations standards and norms	*Total number of Member States that returned completed questionnaires/submitted detailed information on the subject*	*Number of Member States that have been reflected in reports of the Secretary-General to the Commission*	*Number of replies received after having submitted reports of the Secretary-General to the Commission*
Standard Minimum Rules for the Treatment of Prisoners	99	72	27
Code of Conduct for Law Enforcement Officials	91	65	26
Basic Principles on the Use of Force and Firearms by Law Enforcement Officials	91	65	26
Basic Principles on the Independence of the Judiciary	84	58	26
Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power	66	47	19
United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)	57	51	6
United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)	57	51	6
United Nations Rules for the Protection of Juveniles Deprived of their Liberty	57	51	6

11. The information received from Member States on the Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, is accessible on the World Wide Web as a part of the United Nations Crime and Justice Information Network (UNCJIN).

Such information summarizes the results included in the report submitted to the Commission at its fifth session (E/CN.15/1996/16/Add.2) and additional replies received since March 1996. Information regarding the other instruments could be made available on the World Wide Web, if resources for the related work were to become available.

12. Regarding those country replies that have not yet been reflected in reports of the Secretary-General, it is suggested that an updated report should be submitted to the Commission whenever 30 additional replies have been received. It would thus be ensured that the Commission is kept informed of the information received in a comprehensive fashion.

13. In order to ensure coverage of the use and application of all standards and norms in crime prevention and criminal justice, additional instruments should be identified. Currently, the following instruments are not yet included in the information-gathering system:

(a) Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex);

(b) Guidelines for Cooperation and Technical Assistance in the Field of Urban Crime Prevention (Economic and Social Council resolution 1995/9, annex);

(c) International Code of Conduct for Public Officials (General Assembly resolution 51/59, annex);

(d) United Nations Declaration on Crime and Public Security (General Assembly resolution 51/60, annex);

(e) United Nations Declaration against Corruption and Bribery in International Commercial Transactions (General Assembly resolution 51/191, annex);

(f) Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 52/86, annex).

14. In addition, it could be envisaged to include in the information-gathering system the model treaties that were developed under the auspices of the United Nations Crime Prevention and Criminal Justice Programme. In so doing, the Commission would receive feedback on the extent to which the model treaties are used in bilateral and multilateral agreements. The model treaties include:

(a) Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners;[6]

(b) Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of Peoples in the Form of Movable Property;[7]

(c) Model Treaty on Extradition (General Assembly resolution 45/116, annex);

(d) Model Treaty on Mutual Assistance in Criminal Matters (General Assembly resolution 45/117, annex);

(e) Model Treaty on the Transfer of Proceedings in Criminal Matters (General Assembly resolution 45/118, annex);

(f) Model Bilateral Treaty for the Return of Stolen or Embezzled Vehicles (Economic and Social Council resolution 1997/29, annex II).

15. Regarding the issue of the death penalty and respect for the safeguards guaranteeing the rights of those facing the death penalty, the Centre for International Crime Prevention submitted the fifth quinquennial report to the Economic and Social Council in 1995. An updated report was submitted to the Commission at its fifth session in 1996. In principle, the quinquennial report could be included in the reporting machinery of the information-gathering system, particularly when account is taken of the fact that, according to Commission on Human Rights resolution 1997/12,[8] the Secretary-General has been requested to submit a yearly supplement to that report on changes in law and practice concerning the death penalty worldwide, copies of which will be made available to the Commission.

16. In order to improve the impact of the information-gathering system, the Secretariat could design a model profile for individual countries on the basis of the information received on the implementation of existing standards and norms, as well as other data such as, for example, the periodic surveys of world crime trends and the functioning of the criminal justice system. Such a model profile could be submitted for approval of its format to the Commission at its eighth session. Additional information submitted to the Secretariat from the country, as well as other relevant sources of information, could be included into that country profile over time, thus ensuring that the Commission can review current and future developments on a regular basis. These country profiles could be made available on the World Wide Web as part of UNCJIN/United Nations On-line Crime and Justice Clearing House (UNOJUST). At the same time, the Centre could encourage the involvement of scientific institutes interested in crime prevention and criminal justice research at the international level, such as the International Scientific and Professional Advisory Council, the Oñati International Institute for the Sociology of Law and the Max Planck Institute for Foreign and International Criminal Law, in the process of information-gathering and analysis. At the same time, the country profiles could also be used to periodically analyse the relevant information, with a view to identifying the needs of Member States for technical assistance in specific areas (for example, medical care in prisons and crowd-control training for police).

17. As soon as all instruments have been included in the information-gathering system, starting again with those instruments that were considered in 1996, Member States could be requested to provide the Secretary-General with even more detailed information on selected issues, for example, on prison management, on education and training for judges and magistrates, on training for law enforcement officials and on the involvement of victims of crime in criminal proceedings against the perpetrator. Along with the new questionnaire, each Member State would receive the Government's earlier response to the umbrella questionnaire and the earlier agreed upon country profile. At the same time, Member States would be requested to report on any changes regarding the country profile.

18. The same machinery as set out above would be followed, i.e. the data would be analysed and incorporated in the country profile; there would be communication with the Member State on the correctness of the country profile; the country profile would be posted on the World Wide Web; involvement of the international scientific community would be encouraged; analysis of the technical assistance needs assessment would take place; and a report would be submitted to the Commission. By following this procedure, duplication of questionnaires and responses would be avoided and in-depth information could be received and analysed over time.

II. JUVENILE JUSTICE

19. In its resolution 1997/30, the Economic and Social Council invited the Secretary-General to strengthen the system-wide coordination of activities in the field of juvenile justice, including the prevention of juvenile delinquency, particularly with regard to research, dissemination of information, training and the effective use

and application of existing standards and norms, as well as the implementation of technical assistance projects. In the same resolution, the Secretary-General was invited to consider establishing a coordination panel on technical advice and assistance in juvenile justice, with a view to coordinating such international activities in the field of juvenile justice. The Guidelines for Action on Children in the Criminal Justice System suggested that, prior to the first meeting of the coordination panel, a strategy should be elaborated for addressing the issue of how to activate further international cooperation in the field of juvenile justice. Accordingly, an ad hoc meeting on the formulation of a strategy for the coordination panel was convened at Vienna from 6 to 9 November 1997. The meeting was chaired by the Vice-Chairperson of the Committee on the Rights of the Child, Ms. Judith Karp, and was attended by representatives of UNICEF, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network. The coordination panel also includes the international network of non-governmental organizations in juvenile justice, which was established in January 1997, and serves as a clearing house for activities of 60 international or national non-governmental organizations and persons in their own capacity working in the area of juvenile justice.

20. The convening of the meeting was important to put together efforts to better assist children in conflict with the law. The purpose of the coordination panel is to assist States parties to the Convention on the Rights of the Child to implement fully its provision concerning the rights of the child when in conflict with the law. To that end, the Committee on the Rights of the Child, at the end of its consideration of each country report, issues concluding observations that often include a recommendation to seek technical assistance in juvenile justice from the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention and/or UNICEF, in accordance with article 45 of the Convention on the Rights of the Child. It is envisaged that partners in the coordination panel could conduct joint needs assessment missions to Member States, with a view to formulating and implementing technical assistance projects in juvenile justice. The work of the partners in the panel should be a complementary pooling of capacities and interests. The sharing of information would be essential to the success of coordination.

21. The Committee on the Rights of the Child places considerable emphasis on juvenile justice during the review of State party reports. This was highlighted by the special one-day "theme" discussion that the Committee convened on juvenile justice in November 1995. However, as the Committee had only limited time to review the parts of the report related to juvenile justice of a State party to the Convention, there was a need for the Committee to focus on the most pertinent problems regarding the rights of the child when in conflict with the law. For that purpose, advance background information on the country situation was essential. In the view of the Committee, juvenile justice reform was needed in almost all countries whose country reports had been considered. Twenty-six of those countries, namely Azerbaijan, Bangladesh, Bulgaria, Chile, China, Ethiopia, Ghana, Guatemala, Jamaica, Lebanon, Madagascar, Mauritius, Mongolia, Morocco, Myanmar, Namibia, Nepal, Pakistan, Panama, Paraguay, the Philippines, Poland, the Republic of Korea, Sri Lanka, the Syrian Arab Republic and Uruguay, have been recommended by the Committee to seek assistance from the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention or UNICEF. A compilation of excerpts from the Committee's recommendations on each of those countries is available from the Secretariat.

22. The various partners are involved in the provision of technical assistance in juvenile justice at various levels and in accordance with their different structures and types of operation. A detailed report on technical assistance projects, which is, in part, a direct output of the above-mentioned meeting, is reflected in the report of the Secretary-General on technical cooperation (E/CN.15/1998/9). Increased cooperation among the various organizations would lead to more effective programme implementation, bearing in mind the different but mutually reinforcing interests of the partners involved.

23. The first meeting of the coordination panel will be held in June 1998.

III. VICTIMS OF CRIME AND ABUSE OF POWER

24. The Economic and Social Council, in its resolution 1997/31, requested the Secretary-General to finalize the manual on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the international victims assistance handbook on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Accordingly, a United Nations expert group meeting was organized, with a view to completing the texts of the manual and the handbook. The meeting, which was hosted by the Office for Victims of Crime of the Department of Justice of the United States of America, was held at Washington, D.C., on 26 and 27 February 1998. The expert group debated practical approaches for the use of the manual and handbook in different regions and elaborated a plan of action for the implementation of the Declaration. Three expert group meetings had been convened previously to elaborate the two documents—at Vienna in December 1995, at Tulsa, Oklahoma, United States, in August 1996 and at The Hague in March 1997.

25. The Secretariat participated in the twenty-third annual conference of the National Organizations for Victims Assistance, held at Houston, Texas, United States, from 17 to 22 August 1997, which elicited further input from experts for the completion of the handbook. The Centre was also represented at the Ninth International Symposium on Victimology, organized by the World Society of Victimology, held at Amsterdam, the Netherlands, from 25 to 29 August 1997, at which a special session was devoted to the elaboration of the manual and handbook.

26. Pursuant to Economic and Social Council resolution 1997/31, the Secretary-General requested the views of Member States on the manual and handbook, which had been submitted previously, for submission to the Commission at its seventh session. The Council invited Governments to provide information on promising practices and legislation concerning victim-related issues, with a view to establishing a database and clearing house for the provision of a continuing information service and policy guidance for governmental agencies, non-governmental organizations and practitioners.

27. As at 31 December 1997, 13 countries had provided their views, namely, Chile, Finland, Germany, Japan, Jordan, Mexico, the Netherlands, the Philippines, Qatar, Singapore, South Africa, Spain and the United Kingdom of Great Britain and Northern Ireland. Some Member States made specific comments on the texts of the draft documents, which were taken into account in the process of their finalization.

28. All responding countries supported the manual and handbook and welcomed their dissemination as United Nations publications. Japan, while appreciating the documents as sources of valuable information for victim support, noted that the proposed manual and handbook were to be used as reference material rather than as sources of general norms, as legislative systems and situations varied from country to country. Spain was of the view that both documents would contribute towards the effective application of the Declaration. For the United Kingdom, the draft handbook reflected the best existing practices and procedures.

29. Some examples of promising practices and relevant legislation were submitted by Chile, Germany, Japan, Mexico, Qatar, South Africa, Singapore, Spain and the United Kingdom. Japan, Singapore, South Africa and Spain enacted new legislation or established programmes in order to enhance assistance for victims of crime. Japan developed handbooks for victims and guidelines on victim treatment for police investigators, while in Spain a committee for aid and assistance to victims of violent crimes and crimes against sexual freedom was established, in consonance with the manual. In Germany, which has had victim protection laws since 1987, the introduction of video technology for remote interviewing was under consideration, with a view to reducing stress on children who are victims of sexual abuse when they have to testify about the crime. Qatar has victim compensation schemes in place in cases of manslaughter, semi-wilful or intentional homicide, and injury. In the United Kingdom, pilot projects have been conducted in several policing areas on the most effective

information system for the victim and on the interest of victims in giving victim impact statements. The Netherlands expressed its willingness to support the establishment of a database and clearing house for the provision of a continuing information service and policy guidance to governmental agencies, non-governmental organizations and practitioners.

30. Consultations have been pursued with the relevant entities and possible partners regarding the desirability of establishing a mechanism or mechanisms to facilitate the coordination of initiatives to prevent victimization and assist victims of crime and abuse of power, with a view to fostering an integrated approach, especially in respect of technical cooperation. United Nations entities and non-governmental organizations active in this field were of the view that coordination was necessary to achieve the optimum use of resources, as well as to ensure an integrated approach by the United Nations system. Drawing on the replies received from various entities, possible mechanisms were further explored, such as the establishment of a task force with an appropriate division of responsibilities. UNICEF supported the Declaration, while recommending that reference should be made to the Convention on the Rights of the Child, which also provided protection to child victims. The United Nations High Commissioner for Refugees was willing to provide substantive and technical contributions to assist in implementing the provisions of the Declaration. The World Health Organization, in view of the recent endorsement of the plan of action on violence and health by the World Health Assembly, observed that there were strong links with the work of the Centre regarding the role of public health services and professionals. In addition, non-governmental organizations, such as the Defence for Children International Movement, the International Institute of Humanitarian Law, the Salvation Army and the World Society of Victimology, supported the elaboration of the manual and handbook, as well as strengthened cooperation in the field of victim assistance.

31. The Economic and Social Council, in its resolution 1997/31, expressed its appreciation of the work of the Preparatory Committee on the Establishment of an International Criminal Court. The Council specifically recommended that in the statute and rules of procedure of the Court, appropriate attention should be given to the principles contained in the Declaration. The Preparatory Committee, at its session held from 4 to 15 August 1997, included a provisional article on the matter in its report (A/AC.249/1997/L.8/Rev.1). That provisional article (article 43) includes a number of measures for the protection of victims, such as closed proceedings or other measures to safeguard the victim's security or privacy, as well as the establishment of a victim and witnesses unit to provide counselling and other assistance. A proposal was also made to add the following text: "The rules of procedure shall include provisions giving effect to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power".

32. At its session held from 1 to 12 December 1997, the Preparatory Committee discussed an article that deals with the issue of fines and assets collected by the Court (A/AC.249/1997/L.9/Rev.1, annex V, new article 47 *ter*). These may be transferred, by order of the Court, to one or more of the following: (a) [as a matter of priority,] a trust fund [established by the Secretary-General of the United Nations] or [administered by the Court] for the benefit of victims of crime [and their families]; (b) a State the nationals of which were the victims of the crime; (c) the registrar, to defray the costs of the trial. Proposals for amendments to the article were included in bracketed texts for consideration at the diplomatic conference to be held at Rome from 15 June to 17 July 1998.

IV. CONCLUSION AND PROPOSALS FOR ACTION BY THE COMMISSION

33. Information provided by Member States indicates that there is a high potential for the information-gathering system to contribute to identifying research and technical assistance needs in crime prevention and criminal justice. For that purpose, the information provided should be analysed in greater depth and the results used effectively. The Commission may wish to consider what has been accomplished, what direction should

be taken and what activities should be pursued in respect of the current system for the gathering of information on the use and application of United Nations standards and norms in crime prevention and criminal justice. Chapter I raises a number of issues the Commission may wish to consider in determining the future course in this respect. In particular, the Commission may wish to comment on the three draft questionnaires submitted to the present session and consider the selection of further instruments to be included in the information-gathering system. In addition, the Commission may wish to consider the inclusion of the quinquennial report on the death penalty and the safeguards guaranteeing the protection of the rights of those facing the death penalty into the system of reporting on information-gathering. The Commission may further wish to request the Secretariat to design a model profile for individual countries, on the basis of the information received on the implementation of existing standards and norms, as well as other data such as, for example, the periodic surveys of world crime trends and the functioning of the criminal justice system. Should the Commission decide to request the development of country profiles, that would require allocation of additional resources for that purpose. The Commission may also wish to encourage the involvement of scientific institutes interested in crime prevention and criminal justice research at the international level in the process of information-gathering and analysis.

34. With regard to the administration of juvenile justice, the Centre has enhanced its cooperation with other United Nations organizations and entities, as well as with other partners involved in assisting Member States to improve their juvenile justice systems (see chapter II). The Committee on the Rights of the Child, in reviewing the reports on the implementation of the Convention on the Rights of the Child, recommended that a number of States parties should seek assistance from either the Centre, the Office of the United Nations High Commissioner for Human Rights or UNICEF. The coordination panel, established in pursuance of Economic and Social Council resolution 1997/30, will provide an adequate framework for those organizations, including the network of non-governmental organizations in juvenile justice, to cooperate in technical assistance projects to reform the juvenile justice systems in those countries, in accordance with the Convention on the Rights of the Child and the relevant international instruments on juvenile justice. Enhanced provision of technical assistance will, however, require allocation of resources and additional funding. The Commission may wish to provide guidance in this area, particularly as regards the provision of technical assistance provided by the Centre.

35. As to victims of crime and abuse of power, several initiatives have been taken to foster the effective use of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power that should contribute to the improvement of the treatment of victims. In order to further promote its application in the various regions of the world, the Secretary-General will submit the proposed manual and handbook to the Commission for its consideration, together with the report of the expert group meeting on victims of crime and abuse of power in the international setting, held at Washington, D.C., on 26 and 27 February 1998, convened by the Government of the United States in pursuance of Economic and Social Council resolution 1997/31.

Notes

[1]See *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I.A.

[2]*Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex.

[3]*Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

[4]*Eighth United Nations Congress ...*, chap. I, sect. B.3, annex.

[5]Ibid., sect. C.26, annex.

[6]*Seventh United Nations Congress ...*, chap. I, sect. B.1, annexes I and II.

[7]*Eighth United Nations Congress ...*, chap. I, sect. B.1, annex.

[8]See *Official Records of the Economic and Social Council, 1997, Supplement No. 3* (E/1997/23), chap. II, sect. A.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.15/1998/8/Add.1
23 February 1998

ORIGINAL: ENGLISH

COMMISSION ON CRIME PREVENTION
AND CRIMINAL JUSTICE
Seventh session
Vienna, 21-30 April 1998
Item 7 of the provisional agenda*

USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE

Report of the Secretary-General

Addendum

USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS IN JUVENILE JUSTICE

Summary

The present report has been prepared in response to Economic and Social Council resolution 1996/16. It contains information received from Governments on the use and application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, based on a questionnaire on this subject matter. The results summarized in the report should assist countries in assessing the progress made in the use and application of such instruments and the Commission in its task of reviewing their implementation, and thus direct the course of future action.

*E/CN.15/1998/1.

V.98-51156 (E)

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INTRODUCTION

1. The present report has been prepared in response to Economic and Social Council resolution 1996/16, in which the Secretary-General was requested to submit to the Commission on Crime Prevention and Criminal Justice at its seventh session a report on the use and application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33, annex), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112, annex) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113, annex). The process of information-gathering on these standards is an integral part of the overall information-gathering process on the use and application of standards and norms in crime prevention and criminal justice, in pursuance of Economic and Social Council resolution 1993/34. Based on a questionnaire that was developed pursuant to Council resolution 1995/13, the following 51 countries have provided relevant information: Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Brunei Darussalam, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Ecuador, Egypt, Estonia, Finland, Germany, India, Iraq, Israel, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Mauritius, Mexico, Mongolia, Norway, Panama, Philippines, Poland, Qatar,

Republic of Korea, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, Togo, Trinidad and Tobago and Zambia.

2. The report summarizes and analyses the information received, focusing on the most important issues related to the administration of juvenile justice, the situation of juveniles deprived of their liberty and the prevention of juvenile delinquency.

I. ADMINISTRATION OF JUVENILE JUSTICE

3. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) were adopted by the General Assembly in its resolution 40/33, upon the recommendation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Milan in 1985. They state that the aims of juvenile justice are to enhance the well-being of the juvenile and to ensure that any reaction to juvenile offenders is always in proportion to the circumstances of both the offender and the offence.

A. General principles

4. The table below shows the minimum age of criminal responsibility for juveniles in the responding countries:

Age	*Country*
7	Australia (Tasmania, under current legislation), Egypt, India, Kuwait, Switzerland and Trinidad and Tobago
8	Australia (Capital Territory) and Libyan Arab Jamahiriya
9	Iraq
10	Australia (Tasmania, under proposed legislation minimum age will increase from 7 to 10 years, New South Wales, Northern Territory, Queensland, South Australia, Victoria and Western Australia) and Malaysia
12	Costa Rica, Ecuador, Israel and Lebanon
13	Algeria (but it is not full responsibility), Estonia, Senegal, Spain and Togo
14	Armenia, Austria, Azerbaijan, China, Germany, Italy, Japan, Kazakhstan, Mauritius, Mongolia (14/16),[a] Republic of Korea, Slovenia and Zambia
15	Denmark, Finland, Norway, Slovakia and Sweden
16	Argentina, Chile, Cuba, Mongolia (14/16)[a] and Singapore
17	Poland
18	Colombia and Luxembourg

[a] Depending on the nature of the crime (see CRC/C/3/Add.32, para. 211).

5. The concept of the age of criminal responsibility was not recognized under national law in Brunei Darussalam, Panama and Saudi Arabia.

6. Juvenile justice was regarded as an integral part of the national development process within the framework of social justice in 36 countries. This also applied, to a certain extent, in Australia (Capital Territory, Northern Territory, Victoria and Western Australia), Chile, Lebanon and Trinidad and Tobago. In Australia (South Australia), Cuba, Estonia and Panama, juvenile justice was regarded as an integral part of the national development process, however, not within the framework of social justice. Togo reported that juvenile justice was not an integral part of the national development process within the framework of social justice but was of the view that a juvenile justice system should be established. Argentina, Brunei Darussalam, Ecuador, Italy, Norway and Slovenia reported that juvenile justice was not regarded as an integral part of the national development process within the framework of social justice.

7. So-called status offences (e.g. truancy, school and family disobedience, public drunkenness and idle behaviour), where the range of behaviour is considered to be a broader offence for juveniles than it is for adults, existed in the national legislation of Algeria, Argentina, Australia (Tasmania, where proposed new legislation will, however, decriminalize status offences), Australia (Northern Territory and Western Australia), Bahrain, Egypt, Estonia, Iraq, Kuwait, Malaysia, Panama, Poland, Qatar and Republic of Korea. Status offences existed to a certain extent in Armenia, Australia (Queensland), Austria, Mongolia, Senegal, Singapore and Trinidad and Tobago. More than half of the responding countries did not have status offences for juveniles. Some of those countries, recognizing the concept of status offences for juveniles in their national legislation, provided further information. For example, in Argentina, there are regulations on contraventions that contemplate such behaviour (laziness). Austria explained that status offences existed only in administrative laws but not in criminal law. Although status offence provisions existed in Australia (Queensland), they were rarely used and, in general, were used in relation to young people's need for care and protection. Estonia clarified that status offences were regarded as misconduct and that such behaviour was tried by a special administrative board. In Malaysia, a juvenile who was beyond parental control could be dealt with under the 1947 Juvenile Courts Act. Panama reported that it accords equal importance both to police control of juvenile roaming and to juvenile runaways. It puts in parallel illegal behaviour and social risk situations. Under the Polish Law of Proceeding in Cases of Juveniles, children below the age of 13 who commit acts such as truancy, school and family disobedience, idle behaviour, or cruelty to animals, or who show disturbed behaviour, are considered to be immoral. In such cases a family court may apply measures to prevent and combat immoral behaviour and juvenile delinquency. In Qatar, an act related to sexual or immoral behaviour, idle behaviour, drunkenness, gambling, begging or drug abuse may be regarded as a status offence; running away from home, school or other training institute is also included in this category. In the Republic of Korea, juveniles above the age of 12 commit status offences if they habitually disobey their guardians, run away from home without proper reason, or associate with persons of criminal or immoral nature or who habitually impair their own moral nature or that of another person. Children in Trinidad and Tobago, who are beyond control, truant from an institution or breach school rules may be punished in accordance with the Children's Act.

8. Separate juvenile justice courts were in place in 29 countries. Juvenile offenders were reported to be dealt with by family courts in Japan, Poland and Togo and by criminal courts in Australia (New South Wales and Queensland), Austria, Azerbaijan, Brunei Darussalam, Chile, Denmark, Estonia, Finland, Kazakhstan, Mongolia, Norway, Republic of Korea, Slovakia and Togo. Juvenile offenders were also dealt with by criminal courts in Slovenia, but special provisions for the procedure and penalties were applied in those cases; in Trinidad and Tobago, the criminal courts sat on specific days as juvenile courts. Administrative authorities also dealt with juvenile offenders in Armenia, Australia (New South Wales and Tasmania), Azerbaijan, China, Colombia, Cuba, Estonia, Kuwait and Slovakia. Sweden reported that its general courts handled both criminal cases and cases concerning civil matters.

9. In 33 countries, the reaction to juvenile offenders was always in proportion to the circumstances of both the offender and the offence (in terms of just desert in relation to the gravity of the offence). Poland explained that while the principle of proportionality was recognized by the judiciary, the best interests of the child and his or her personal circumstances were main considerations. The concept of proportionality was recognized only to a certain extent in 11 countries. Australia (Northern Territory), Bahrain and the Libyan Arab Jamahiriya reported that this was not the case but that retribution was not exercised. In Argentina, Colombia and Trinidad and Tobago, the concept of proportionality was not applied in national jurisdictions. In Argentina, Australia (Tasmania, under existing legislation), Israel, Italy, Singapore and Slovakia, the principle of proportionality may be disregarded in cases in which it is considered to be in the best interests of the child to react to a juvenile offence with more intensive intervention. Some countries reported that the concept of the best interests of the child may be used only as an argument for more intensive care to the extent that the fundamental rights of the young individual were not infringed. Australia (Northern Territory and Western Australia) replied that, in some cases, a certain reaction was mandatory, which may not necessarily take the principle of proportionality into account. Intensive intervention may be justified, even in cases of minor offences, in Algeria, Armenia, Bahrain, Cuba (less intense in more serious crimes), India, Libyan Arab Jamahiriya, Mauritius, Panama, Poland, Republic of Korea and Zambia. The concept of proportionality was not recognized under national law in Colombia, Slovenia and Trinidad and Tobago.

10. The individual circumstances of the offender influenced the gravity of the reaction in 25 countries. Even in those countries that did not apply this principle as such, the social status of the juvenile may influence the severity of the reaction in 10 countries; the family situation may influence the reaction in 12 countries; and the harm caused by the offence may influence the reaction in 11 countries. Some countries reported on other factors affecting personal circumstances that may influence the gravity of the sanction; for example, in Australia, such circumstances could be attendance at school, drug and alcohol abuse issues, mental health issues, prior proven offending history and age of the offender. In Zambia, poverty, sickness, age of the offender, and recidivism may influence the disposition of sanctions.

11. In view of the varying special needs of juveniles, as well as the variety of measures available, appropriate scope for discretion was allowed at all stages of proceedings in two thirds of all responding countries. In Israel, 50 per cent of all cases were closed without criminal prosecution by the police and the public prosecutor, after consulting the juvenile probation service. In Australia (Northern Territory), appropriate scope for discretion was allowed only if the juvenile was not a second-time offender between 15 and 16 years of age.

12. In 36 countries, sufficient accountability was ensured at all stages and levels in the exercise of any discretion by checks and balances in order to curb any abuse of discretionary power and to safeguard the rights of the young offender. However, in some countries (Australia (New South Wales, Northern Territory, Tasmania and Western Australia), Chile, Israel, Lebanon, Libyan Arab Jamahiriya, Mauritius and Syrian Arab Republic), a system of checks and balances was functioning only to a limited extent. In other countries (Argentina, Colombia and Panama), such a system needed to be improved.

13. In eight countries (India, Israel, Luxembourg, Poland, Senegal, Slovenia, Switzerland and Togo), information that could lead to the identification of a juvenile offender was disclosed by the media. If it was in the public interest, information that could lead to the identification of a juvenile offender was published in Australia (Northern Territory and Queensland, if it was necessary to protect the safety of another person), Azerbaijan, Costa Rica, Estonia and Kazakhstan. Information leading to the identification of a juvenile offender was disclosed by the media to a certain extent in Argentina, Colombia, Denmark, Lebanon, Mexico, Panama and Trinidad and Tobago. However, in more than half of the responding countries, such information was never disclosed. In Australia (Western Australia), the media must seek permission from the court, which rarely happened.

B. Investigation and prosecution

14. If a juvenile was apprehended, his or her parents or guardians were immediately notified of the apprehension in person, by telephone or in writing in almost all responding countries. However, in Chile, Colombia, Lebanon and Panama, this was not the case. In Costa Rica, the juvenile often did not ask to have his or her parents or guardians notified. If immediate notification was not possible, the parents or guardians were notified usually within 24 hours or three days. However, in India, it may take up to five days, in Kuwait up to seven days and in Lebanon up to 15 days until the parents or guardians are notified by the administration. If a juvenile is apprehended, the issue of release is considered in almost all countries within one day (eight countries), two days (nine countries) or three days (five countries). However, in some countries, the time between apprehension and consideration of release may take 15 days (Mexico) and up to 20 days (Lebanon).

15. In cases in which law enforcement officials consider it to be in the best interests of the child, such officials may use harsh language (Argentina, Bahrain, Egypt, Estonia, Israel, Kazakhstan, Lebanon, Luxembourg, Qatar, Saudi Arabia, Senegal, Switzerland and Togo). In the Syrian Arab Republic, law enforcement officials may use physical violence and in Colombia they may expose the child to the environment.

16. In 24 countries, the competent authorities give consideration to dealing with juvenile offenders without resorting to formal trial. Australia (Queensland) explained that this was particularly the case where the police had the power to caution offenders. In nine countries (Australia (New South Wales, Tasmania and Western Australia), Bahrain, China, Germany, Libyan Arab Jamahiriya, Malaysia, Senegal, Slovakia and Sweden), such consideration was limited to the extent that the fundamental rights of the young individual were not infringed. In Australia (New South Wales, Tasmania and Western Australia), China, Germany, Senegal and Sweden, it had to be ensured that such reaction was always in proportion to the offence and that it took into consideration the circumstances of the offender, the victim and the offence. In some countries (Australia (Western Australia), Costa Rica, Malaysia, Slovakia and Sweden), reactions without resorting to formal trial may result in intensive intervention even in cases involving minor offences. In a number of countries (Algeria, Argentina, Azerbaijan, Brunei Darussalam, Chile, Colombia, Italy, Kuwait, Lebanon, Mauritius, Mexico, Panama, Qatar, Slovenia, Syrian Arab Republic and Trinidad and Tobago), competent authorities were not supposed to give consideration to dealing with juvenile offenders without resorting to formal trial.

17. Diversion, involving removal from criminal justice processing and, frequently, redirection to community support services, was commonly practised on a formal or informal basis in 31 countries. In 16 countries, diversion was not practised. Zambia reported that the introduction of diversion was currently being debated. Diversion may be used, in accordance with the national legal system, at any point in the decision-making process, in particular by the police (19 countries); by the prosecution (20 countries); and by other agencies such as the courts, tribunals, boards and councils (22 countries). Diversion can be used in all cases involving juvenile delinquency in Australia (Victoria), Azerbaijan, Cuba, Denmark, Germany, India, Italy, Japan, Libyan Arab Jamahiriya, Mongolia, Norway, Qatar, Singapore, Spain and Zambia. Diversion may even be used in cases involving more severe infringement of the law, provided, however, that the harm caused was minor in Australia (Queensland and Western Australia), Austria, Costa Rica, Israel, Republic of Korea, Senegal, Sweden, Switzerland and Togo. In Australia (New South Wales) and Luxembourg, diversion was not used in cases involving more severe infringement of the law even if the harm caused was minor. The use of diversion was limited to cases involving petty offences in Australia (Tasmania and the Capital Territory), Bahrain, China, Egypt, Estonia, Finland, Kazakhstan, Kuwait, Poland, Slovakia and Togo.

18. In principle, any diversion involving referral of a juvenile to appropriate community or other services required the consent of both the juvenile and his or her parent or guardian in 11 countries. Such consent was required only by the parent or guardian in nine countries, while in another six countries diversion from the justice system was possible if the juvenile agreed to such services.

19. Police officers who frequently or exclusively dealt with juveniles or who were primarily engaged in the prevention of juvenile crime were reported to be specially instructed and trained in 28 countries. In nine countries, police officers were trained to deal with so-called "status offences" and crimes that are typically committed by children or juveniles. Police officers in Australia (the Capital Territory and Victoria), Colombia, Estonia, Finland, Libyan Arab Jamahiriya, Mauritius, Poland, Singapore and Togo were trained to respect specific procedural aspects when dealing with juvenile offenders. In Algeria, Australia (the Capital Territory and Victoria), Germany, Luxembourg, Poland and Togo, officers received instructions on specific issues related to techniques for the interrogation of children and juveniles. No special instructions or training were provided for police officers in Argentina, Italy, Lebanon, Senegal, Syrian Arab Republic, Trinidad and Tobago and Zambia.

20. Detention pending trial was avoided if alternative measures were applicable in Armenia, Australia, Austria, Azerbaijan, Brunei Darussalam, China, Costa Rica, Denmark, Estonia, Finland, Germany, Japan, Kazakhstan, Kuwait, Lebanon, Luxembourg, Mauritius, Mongolia, Norway, Poland, Qatar, Republic of Korea, Saudi Arabia, Senegal, Slovakia, Slovenia, Sweden and Trinidad and Tobago. Detention pending trial was also avoided if the same purpose could be achieved by (a) close supervision, in Argentina, Australia (Queensland), Austria, China, Ecuador, Estonia, Germany, Kuwait, Mauritius, Norway, Poland, Qatar and Switzerland; (b) intensive care, in Australia (Queensland), Austria, China, Ecuador, Estonia, Germany, Mongolia, Poland, Norway and Senegal; (c) placement with a family, in Australia (Queensland), Austria, Bahrain, China, Egypt, Estonia, Germany, Israel, Kuwait, Mongolia, Norway, Poland, Qatar, Slovenia and Zambia; and (d) placement in an educational setting or home, in Argentina, China, Egypt, Estonia, Germany, Kuwait, Libyan Arab Jamahiriya, Poland, Qatar, Senegal, Slovenia, Spain (cautionary internment procedure, not preventive imprisonment (pre-trial detention)), Switzerland and Togo.

21. Detention could not be avoided even if alternative measures were applicable or if the same purpose could be achieved by close supervision, intensive care, placement with a family or placement in an educational setting or home in the following countries: Algeria, Chile, Egypt, India, Kuwait, Malaysia, Panama (substitute measures could be applied in accordance with the law) and Syrian Arab Republic

22. Detention pending trial (including any possible extension of initial pre-trial detention placement decisions) was limited to a period of 30 days or less in Australia (the Capital Territory and Tasmania), Luxembourg, Qatar, Saudi Arabia, Spain, Switzerland and Zambia; to less than 60 days in Armenia, Costa Rica, India, Japan, Libyan Arab Jamahiriya and Togo; to less than 90 days in Azerbaijan, Bahrain, Colombia and Lebanon, to less than 120 days in the Republic of Korea; and to less than 150 days in China.

23. In Austria, detention pending trial was limited to one year, without a formal trial having begun. In Mongolia, that period was 28 months and in Slovakia, it was limited to a period of two years. A number of countries did not limit the duration of detention pending trial (Argentina, Australia (New South Wales, Queensland, South Australia, Victoria and Western Australia), Chile, Denmark, Ecuador, Estonia, Iraq, Kazakhstan, Kuwait, Malaysia, Mauritius, Norway, Panama (where it was at the discretion of the judge), Poland, Senegal, Switzerland, Syrian Arab Republic and Trinidad and Tobago). In Sweden, the decision to put someone in detention had to be reviewed every two weeks, and in Germany, the law made provision for numerous restrictions and examinations and required the acceleration of proceedings.

C. Adjudication and disposition

24. According to estimates or surveys that were carried out, the average time from the beginning of an investigation until the competent authority had decided on a case was up to three months in Australia (the Capital Territory, New South Wales, Victoria and Western Australia), Azerbaijan, Bahrain, Cuba, India, Japan,

Kazakhstan, Malaysia, Mexico, Norway, Qatar, Republic of Korea, Saudi Arabia, Senegal, Singapore and Zambia. It may take up to six months in Colombia, Costa Rica, Finland, Kuwait, Libyan Arab Jamahiriya, Luxembourg, Mauritius, Poland, Spain, Sweden, Switzerland, Syrian Arab Republic and Togo before the competent authority had decided on the case; in Israel, it may take up to nine months, in Estonia, Lebanon, Panama and Slovakia up to 12 months. The average time was more than 12 months in Argentina, Ecuador, Italy, Mongolia and Trinidad and Tobago. Slovenia reported that in 32.3 per cent of all cases, the competent authority had decided on the case within three months; in 23 per cent of all cases, it took four to six months, while in 44.7 per cent of all cases, the procedure might take up to nine months.

25. The right of a juvenile to be represented by a legal adviser throughout the proceedings was always the practice in 37 countries. It was the usual practice in Argentina, Australia (South Australia), Chile, Colombia, Lebanon, Libyan Arab Jamahiriya, Panama and Togo. In Brunei Darussalam, Mauritius and Senegal, the right to legal representation was only exceptionally the practice. Cuba and Saudi Arabia reported that juveniles were never represented by a legal adviser. Chile, Ecuador, Kazakhstan, Panama, Senegal and Togo reported that difficulties concerning resources was the reason that the rule was not always applied. In Colombia, there were not enough juvenile ombudsmen to meet the needs. Argentina, Armenia, Colombia, Kazakhstan, Lebanon, Mongolia, Panama, Senegal and Togo expected legal reforms in this area.

26. In 28 countries, the juvenile had the right to free legal aid in all cases, while some countries limited that right if it was so decided by the competent authority. Juveniles were provided with free legal aid in cases of severe infringement of criminal law in Austria, Bahrain, Brunei Darussalam, Germany, Iraq, Lebanon, Libyan Arab Jamahiriya, Mauritius, Qatar and Zambia. If it was expected that the juvenile would have to face imprisonment, Germany and Poland would provide free legal aid. Lebanon reported that juveniles who were facing imprisonment or who were facing institutionalization other than imprisonment for more than 24 months received such aid. Japan explained that juveniles did not have the right to free legal aid by the Government, but that he or she could receive free legal aid by the Japanese Legal Aid Association.

27. In two thirds of all responding countries, the parents or guardians of the juvenile were entitled to participate in the proceedings and could be required by the competent authority to attend the court proceedings if that was in the interest of the juvenile. In 12 countries, that was the usual practice. In Kazakhstan and the Libyan Arab Jamahiriya, this practice was applied only in exceptional cases. Kazakhstan explained that this was due to difficulties concerning resources. Argentina, Colombia, Denmark and Ecuador were of the view that there were advantages to a different practice. Argentina, Chile, Mongolia, Qatar and Syrian Arab Republic reported that they expected reforms in that area in the near future.

28. Almost all countries reported that in all cases except those involving minor offences, the circumstances in which the juvenile was living or the conditions under which the offence had been committed were presented to the competent authority before it rendered a final disposition prior to sentencing. In Australia (New South Wales and Victoria), the Republic of Korea and Zambia, this was done in almost all cases of a more serious nature. In Argentina, Colombia, Kazakhstan, Panama and Trinidad and Tobago this was done in most of those cases. In the Syrian Arab Republic, the practice was applied in about one quarter of all cases and in Chile it was applied in a small proportion of cases.

29. Zambia reported that capital punishment could be imposed on a juvenile who had committed murder, aggravated robbery or treason. In Japan, the death penalty could only be imposed on a juvenile who was at least 18 years of age at the time of commission of the offence. For crimes committed by juveniles, life imprisonment with no early release could be imposed in Mauritius for murder, in Zambia for aggravated robbery and treason, and in Trinidad and Tobago for capital offences. In Trinidad and Tobago, a juvenile was last punished with life imprisonment with no early release in February 1997. Juveniles could be subject to corporal punishment, which included caning, in Singapore, caning with a light cane, in Malaysia and whipping, in Saudi Arabia and Trinidad

and Tobago. Brunei Darussalam reported that juveniles might face capital punishment, life imprisonment with no early release and corporal punishment, in accordance with the Criminal Procedure Code, but that, in general, young offenders were punished differently from adult offenders.

30. The placement of a juvenile in an institution, including imprisonment, was avoided if alternative measures were applicable (34 countries) or the same purpose could be achieved by close supervision (18 countries), intensive care (17 countries), placement with a family (16 countries) or placement in an educational setting or home (19 countries).

31. The maximum duration of institutionalization, including imprisonment, and any possible extension of the initial punishment, in various countries, is as follows:

Maximum duration (years)	*Country*
2	Australia (the Capital Territory, New South Wales and Tasmania), Lebanon, Senegal, Spain, Switzerland and Togo
3	Australia (Victoria), Colombia, Malaysia and Slovenia (institutionalization other than prison)
4	Australia (South Australia) and Ecuador
5	Brunei Darussalam
8	Estonia
10	Australia (Queensland, but there is also the possibility of life imprisonment with possible early release), Azerbaijan, Bahrain, Egypt, Germany, Libyan Arab Jamahiriya, Qatar, Slovakia and Slovenia (imprisonment)
15	Austria, Finland, Mongolia and the Republic of Korea
25	Israel

32. There was no limitation of the period of institutionalization for juvenile offenders in Argentina, Armenia, Chile, China, Italy, Japan (but parole may be granted after seven years even in the case of life imprisonment), Kazakhstan, Kuwait, Mauritius, Panama, Saudi Arabia, Syrian Arab Republic, Trinidad and Tobago and Zambia. Poland reported that, even though institutionalization was not limited by law, institutionalization, including imprisonment, could only last until the juvenile was 21 years of age. Australia (Western Australia) explained that the duration of institutionalization was not limited by law, although in practice unlimited deprivation of liberty never happened. In Cuba, the placement of juveniles in re-education centres was only applied in serious cases. They were never placed in prisons. The duration of the institutionalization of juveniles depended on both their behaviour in the re-education centre and their places of residence when released temporarily. Confining measures could be replaced by non-custodial ones.

II. JUVENILES DEPRIVED OF THEIR LIBERTY

33. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty were adopted by the General Assembly in its resolution 45/113. They advocate the least possible use of deprivation of liberty, especially in prison and other closed institutions. They provide specific principles that apply to all juveniles held in any form of detention and in any type of facility. The Rules call for the separation of juveniles from adults in detention and the classification of juveniles according to their sex, age, personality and type of offence, with a view to ensuring their protection from harmful influences and risky situations.

A. Admission, registration, movement and transfer

34. Almost all responding countries reported that a bound registration book was kept in every place where juveniles were institutionalized or imprisoned. These registration books contained information concerning the juvenile's identity; the fact of and reasons for his or her commitment and the authority concerned; the day and hour of his or her admission, transfer and release; details of notifications to his or her parents or guardians on every admission, transfer or release; and details of known physical and mental health problems, including drug and alcohol abuse. However, in Argentina, Colombia and Kazakhstan, such a registration book was not always kept and, in Panama, a different system of classification existed, which put the registration of juveniles in closed institutions at the discretion of the judiciary or administration. In Argentina and Kazakhstan, the reason for not keeping a registration book was difficulties concerning resources and in Colombia it was due to negligence.

35. Almost all countries reported that no person was received in an institution without a valid commitment order, details of which had been previously entered in the register. In Colombia and Panama, this was usually the case and, in Argentina, this was done only in exceptional cases. Argentina, Colombia, Iraq, Panama and Syrian Arab Republic foresaw legal reforms in this area.

B. Classification and placement

36. In almost all countries, male and female juveniles were either detained in separate institutions or, where they were in an institution that received both male and female juveniles, the whole of the premises allocated for female juveniles was entirely separate. In Argentina, Australia (the Capital Territory, New South Wales and the Northern Territory), and Denmark, Lebanon, Norway, Panama, Sweden and Togo, this was the usual practice. In Australia (Western Australia), such separation did not exist, due to the fact that only a few detained juveniles were female. In Australia (the Capital Territory and Western Australia) and Sweden, the separation of females was at the discretion of the judiciary or administration. Separation from adults was also ensured in the vast majority of responding countries. However, in Lebanon, for example, this was practised only in a few cases and in Brunei Darussalam and Saudi Arabia, juveniles were always placed together with adults. Pre-trial juveniles were kept entirely separate from convicted juveniles in most countries. However, this was only exceptionally the case in Australia (Northern Territory and South Australia because of the small number of institutionalized children) and in Saudi Arabia, but was not the case in Argentina, Australia (New South Wales, Queensland, Tasmania, which has only one detention centre for all juveniles in custody, and Victoria), Chile, Ecuador, Israel, Italy, Lebanon, Mongolia and Syrian Arab Republic.

37. In almost all countries, as soon as possible after admission, each juvenile was interviewed and a psychological and social report identifying any factors relevant to the specific type and level of care and programme required by the juvenile was prepared. In Colombia, Finland, Kazakhstan and Mongolia, this was the usual practice. In Panama and Zambia, this was only exceptionally the practice, due to difficulties concerning resources.

C. Physical environment and accommodation

38. In 13 of the responding countries, a juvenile occupied a cell or a room of his or her own during the night. In 24 responding countries, this was practised only exceptionally or never. In 16 countries, this was at the discretion of the judiciary or administration.

39. In those countries that preferred dormitories as the sleeping accommodation, the maximum number of juveniles placed in one dormitory room was up to 5 in Australia (Northern Territory), Bahrain (3), Estonia, Israel (3), Italy, Japan, Kazakhstan, Kuwait, Luxembourg, Philippines, Poland, Qatar, Slovakia, Slovenia and Switzerland; up to 10 in Australia (Queensland and Tasmania), Brunei Darussalam, Libyan Arab Jamahiriya, Mongolia, Saudi Arabia and Togo; up to 15 in Argentina, China, Costa Rica, Republic of Korea and Trinidad and Tobago (varies in accordance with the institution); up to 20 in Chile, Ecuador and Iraq; up to 25 in Cuba, Mauritius and the Syrian Arab Republic; up to 30 in Australia (New South Wales), Azerbaijan, Senegal and Trinidad and Tobago (varies in accordance with the institution); up to 35 in Colombia; up to 40 in Egypt and Malaysia; and more than 40 in Armenia, Panama (in some areas) and Zambia.

40. The maximum size of a dormitory room was less than 40 m^2 in Austria, Bahrain, Costa Rica, Ecuador, Estonia, Israel, Japan, Kazakhstan, Luxembourg, Mongolia, Panama, Philippines, Poland, Qatar, Slovakia, Slovenia, Syrian Arab Republic, Togo and Trinidad and Tobago; 41-60 m^2 in Australia (Northern Territory), Chile, China, Kuwait, Libyan Arab Jamahiriya, Republic of Korea and Switzerland; 61-80 m^2 in Brunei Darussalam, Cuba, Saudi Arabia and Senegal; 81-100 m^2 in Australia (New South Wales), Azerbaijan, Colombia and Iraq; 101-120 m^2 in Argentina and Australia (Queensland); and more than 120 m^2 in Armenia, Australia (Tasmania), Egypt, Lebanon, Malaysia, Mauritius and Zambia.

41. The minimum floor space available to each juvenile was 3 m^2 or less in Armenia, Australia (South Australia, in some facilities), Costa Rica, Egypt, Estonia, Israel, Kazakhstan, Lebanon, Mongolia, Panama, Republic of Korea, Syrian Arab Republic and Togo; 3-5 m^2 in Australia (New South Wales and Western Australia), Azerbaijan, China, Cuba, Iraq, Japan, Kuwait, Mauritius, Poland (depending on the facility), Qatar, Saudi Arabia, Slovakia and Slovenia; 6-10 m^2 in Australia (Queensland and South Australia, depending on the facility), Austria, Bahrain, Denmark, Ecuador, Finland, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Philippines, Poland (depending on the facility) and Switzerland; 11-15 m^2 in Australia (Northern Territory and Tasmania) and Chile; and more than 15 m^2 in Australia (the Capital Territory).

42. Information on the subject was not available for Argentina, Brunei Darussalam, Colombia, Mexico, Spain, Trinidad and Tobago and Zambia.

43. Most countries reported that juveniles were entitled to take a bath or shower at least three times a week or upon request. Colombia, Cuba, Israel, Malaysia, Mauritius, Mexico, Panama, Philippines and Trinidad and Tobago reported that juveniles could shower daily. However, juveniles were entitled to take a bath or shower less than once a week in Argentina, Australia (the Capital Territory) and Mongolia, and at least once a week in Algeria, Armenia, Azerbaijan, Kazakhstan and Syrian Arab Republic.

44. Separate beds and bedding were provided for every juvenile by almost all countries. However, not all juveniles were provided with separate beds or bedding in Argentina, Colombia, Ecuador, Kazakhstan, Panama, Qatar, Togo and Zambia. In Brunei Darussalam, children were never provided with separate beds or bedding. Argentina, Brunei Darussalam, Colombia, Ecuador, Panama, Togo and Zambia stated that this was due to difficulties concerning resources.

45. While almost all countries stated that all parts of an institution regularly used by juveniles were properly maintained and kept clean at all times, that was not entirely ensured in Argentina, Brunei Darussalam,

Colombia, Ecuador, Kazakhstan and Togo. In Mongolia, only half of the facilities were kept clean and, in Togo, it applied only to some prisons. In Lebanon and Zambia, no prison was kept entirely clean.

46. In most countries, the administration provided juveniles with food. However, in a number of countries (Algeria, Argentina, Australia (Tasmania), Ecuador, Estonia, Senegal, Slovenia and Togo), food had to be provided by the parent or guardian of the juvenile to meet his or her nutritional needs. Zambia reported that the food provided by the administration was neither adequate for the health and strength of the inmate nor was it well prepared.

47. Drinking water was available to every juvenile whenever he or she needed it in almost all responding countries. However, that was not always the case in Mongolia and Togo and, in Panama, it was only exceptionally the case. In Brunei Darussalam, Israel, Panama and Togo, the provision of inmates with drinking water was at the discretion of the judiciary or administration.

D. Education, vocational training and work

48. Many countries reported that education was available to all institutionalized juveniles. In Australia (Western Australia), Chile, Finland, Israel, Kuwait, Lebanon, Mauritius and Mongolia, education was available to almost all institutionalized juveniles. In Algeria, Brunei Darussalam, Libyan Arab Jamahiriya, Qatar and Togo, education was available to most and, in Argentina, to half of all institutionalized juveniles. In Panama, a quarter of all juveniles received education in closed institutions, in Egypt, Iraq, Kazakhstan and Zambia, only some did, and in the Syrian Arab Republic, no institutionalized juveniles received education.

49. Sentenced juveniles were required to work, subject to their physical and mental fitness as determined by a medical officer, in about two thirds of all responding countries (Algeria, Armenia, Australia (except Queensland), Austria, Azerbaijan, Brunei Darussalam, China, Denmark, Egypt, Estonia, Finland, Germany, India, Iraq, Israel, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Mauritius, Malaysia, Norway, Philippines, Poland, Republic of Korea, Senegal, Slovenia, Switzerland, Syrian Arab Republic, Togo, Trinidad and Tobago and Zambia). They were not required to work in Argentina, Australia (Queensland), Colombia, Costa Rica, Cuba, Ecuador, Mexico, Panama, Qatar, Saudi Arabia, Slovakia, Spain and Sweden. Of those countries in which juveniles were required to work, the majority of institutionalized juveniles received no wages for their work in Australia (New South Wales, South Australia and Victoria), Luxembourg and Togo.

E. Recreation

50. Institutionalized juveniles had access to radio, television, newspapers, magazines and books in almost all countries. However, in many countries, this was limited to some leisure-time period. Also, in a number of countries, radio and television programmes were selected by the prison administration. In Togo and Zambia, institutionalized juveniles had no access to radio and television; in Argentina, Australia (Queensland), Colombia, Lebanon, Panama and Zambia, no newspapers were available to juveniles in such institutions; and in Colombia, Mongolia, Panama and Zambia, no magazines were available. In Colombia, Malaysia and Zambia, books were not available and, in Costa Rica, Lebanon, Panama, Philippines and Togo, the institutions had no library.

51. While most countries ensured that institutionalized juveniles of suitable age and physique may participate in sports and/or physical education at least three times a week or upon request, such participation was less than once a week in Algeria and Togo. In a number of countries, participation in sports and physical education was dependent on the behaviour of the juvenile.

52. In more than two thirds of all responding countries, institutionalized juveniles were allowed at least one hour of exercise in the open air each day. In Cuba, Iraq and Kazakhstan, this applied to almost all juveniles, while in Panama, it applied to only half of all juveniles and for a period of less than one hour daily.

F. Medical services

53. Most countries reported that access to a qualified medical officer was available to institutionalized juveniles every day. That was usually the case for institutionalized juveniles in Algeria, Argentina, Austria, Egypt, Israel, Kazakhstan, Lebanon, Qatar and Zambia and only exceptionally the case in Colombia, Mongolia, Panama and Togo.

54. Ill juveniles who required treatment by specialists were transferred to specialized institutions or to civil hospitals in almost all countries. This was usually the practice in Argentina, Lebanon, Libyan Arab Jamahiriya, Mongolia, Panama, Qatar and Togo, and only exceptionally the case in Kazakhstan. In that connection, difficulties concerning resources were mentioned by Argentina, Panama (with regard to transportation) and Togo.

G. Privileges and disciplinary procedure

55. Privileges appropriate to the various classes of juveniles and the different methods of treatment were established in almost all responding countries at every institution in order to encourage good conduct, develop a sense of responsibility and secure the interest and cooperation of the juveniles in their treatment. This was not the practice in Denmark and Germany, owing to the belief that there were advantages to a different practice. Such privileges included a wide range of issues. For example, in Austria, institutionalized juveniles who behaved well could be allowed to wear their own personal clothing or use personal sports equipment. They could also use their own personal television and radio sets or other electronic equipment. In Australia, privileges could include participation in activities away from the detention centre, e.g. camping and recreational activities; family visits away from the centre, for day or weekend release and extra telephone calls. Also, less intrusive supervision might be a privilege that could be earned by a well-behaving juvenile. In Egypt, the number of visits may be increased and, in Israel, such privileges included, for example, the provision of cigarettes and sweets, extra phone calls, off-duty leave, and participation in desired activities. In Japan and Poland, juveniles may be awarded a certificate and they may be allowed to stay out overnight. Home leave was also a privilege in the Philippines, for example during Christmas. In Switzerland, a privilege may include going to see a movie outside the prison. In Zambia, trusted juveniles were not subject to strict control and were given leadership responsibilities.

56. Juveniles were not allowed to exercise disciplinary functions over other juveniles in almost all countries. In Argentina, Mongolia and Zambia that was the usual practice, while in Ecuador and Panama, it was only exceptionally the case. In Colombia, Costa Rica, Saudi Arabia and Togo, juveniles were always allowed to exercise disciplinary functions over other juveniles.

57. In most countries, juveniles could only be punished in accordance with the law or regulations. That was not always the case but was the usual practice in Argentina, Colombia, Mongolia and Panama. Punishment included a wide range of measures. Many countries stated that withdrawal of privileges was one of the measures. Some countries, however, limited such withdrawal to a maximum period of 30 days or less. Other punishment included, for example, limitations on the right to receive mail and visits. Loss of earnings, loss of remission on sentences, non-approval of outings and leaves of absence, exclusion from activities and requirement to do extra chores were punishment measures in Australia. In Colombia, juveniles had to fulfil a determined work assignment as punishment. In Mauritius, examples of punishment included losing the privilege of playing games or receiving pocket money, loss of grade for a maximum period of three months, or

confinement in a separate room for a period not exceeding 14 days. In the Philippines, juveniles received additional work assignments as punishment and, in Poland, suspension of leave (up to three months) could be applied. Isolation, harsh language and being deprived of visits were measures that could be used in the Syrian Arab Republic. In Trinidad and Tobago, corporal punishment could be applied in extreme cases, as well as dietary punishment and fatigue duty. In Qatar, punishment measures included confinement for a short period, limitation on making telephone calls or receiving visits, exclusion from sports activities or the use of harsh language. In Zambia, caning, confinement, removal of privileges and extra work were measures used to punish misbehaving juveniles in institutions. However, discussions and consultations were being held, with a view to amending Zambian law in order to abolish corporal punishment.

58. The juvenile was given the opportunity to present his or her defence before the imposition of a disciplinary measure in almost all countries, except for Australia (South Australia), Israel, Kazakhstan, Libyan Arab Jamahiriya, Malaysia, Panama, Qatar and Zambia, where the practice was only usually followed. In Argentina, Brunei Darussalam and Colombia, the right of a juvenile to defend himself or herself was granted only in exceptional cases.

59. Almost all countries reported that instruments of restraint, such as handcuffs, chains, irons and straitjackets, were never used as punishment. In Argentina, Kazakhstan, the Libyan Arab Jamahiriya and the Republic of Korea, that was usually the case. In Panama and Slovakia that rule was applied only in exceptional cases and, in Ecuador, China and Qatar, those instruments of restraint were allowed to be used. In Argentina and the Republic of Korea, the rule was not always applied, due to the belief that there were advantages to a different practice.

60. While a number of countries reported that they would never use close confinement or isolation, those that applied such measures reported that the maximum period for close confinement or isolation was as follows: 10 days or less, in Armenia, Australia, Azerbaijan, Bahrain, Chile, Colombia, Cuba, Kazakhstan, Libyan Arab Jamahiriya, Malaysia (less than 24 hours), Mexico (confinement zones), Slovakia, Switzerland, Syrian Arab Republic, Trinidad and Tobago and Zambia; 11-20 days, in Austria, Estonia, Finland, Germany, Japan, Mauritius and Republic of Korea (in the case of juvenile reformatories); 21-30 days, in Brunei Darussalam, Denmark, Luxembourg and Panama; and more than 40 days, in the Republic of Korea and Togo.

H. Contact with the community outside the institution

61. Institutionalized juveniles may receive visits once a month in Armenia, China, Germany (at the least), Kazakhstan and Malaysia, twice a month in Egypt, four times a month in Argentina, Azerbaijan, Bahrain, Colombia, Denmark (one visit weekly), Estonia, Iraq, Libyan Arab Jamahiriya, Mauritius, Mexico, Philippines, Slovakia and Switzerland (on average), and five times a month in Austria and Cuba. In Australia, juveniles may receive visits six times a month or more. That practice was also applied in Chile, Costa Rica, Finland, Lebanon, Luxembourg, Norway, Panama, Saudi Arabia, Slovenia, Spain, Togo, Trinidad and Tobago and Zambia. In some countries, the number of visits could vary depending on the behaviour of the juvenile. That was the case in Argentina, Australia (Western Australia), China, Colombia, Israel, Kuwait, Luxembourg, Poland, Slovakia, Slovenia and Zambia.

62. Institutionalized juveniles could receive and send mail once a month in Malaysia (at the least) and Togo, twice a month in Argentina, Kazakhstan and Mauritius, four times a month in the Libyan Arab Jamahiriya and Trinidad and Tobago, six times a month in Austria and more than six times a month in Australia (New South Wales and Victoria), Germany (no limitations), Luxembourg, Norway, Switzerland and Zambia. In Argentina, Israel, Kuwait, Panama, Poland and Zambia, the amount of mail a juvenile could receive and send might vary depending on his or her behaviour.

I. Institutional personnel and inspection

63. All of the 46 responding countries except for Argentina and Colombia reported that detention facilities and services were regularly inspected. In many countries, the head of prison administration was required by law to follow the recommendations of the inspector, while, in some countries, the head of prison administration was not required to do so but, in actual practice, he or she did follow them as far as possible. In some countries, the recommendations of the prison inspector had no direct influence on the practice followed by the prison administration in the management of prisons and the treatment of juveniles.

J. Social relations and aftercare

64. Less than half of all responding countries provided aftercare services to all institutionalized juveniles, while some juveniles enjoyed such services in Argentina, Chile, Colombia, Panama (as decided by the judge), Trinidad and Tobago and Zambia. Those services were not provided in Brunei Darussalam, Costa Rica, Ecuador, Lebanon and Syrian Arab Republic.

65. Aftercare services included, for example, employment, clothing, psychological and therapeutic aftercare, medical care, drug rehabilitation services, housing, education programmes and assistance in the management of any financial problems the juvenile may face after release. However, only a few responding countries offered assistance in all of those areas.

III. PREVENTION OF JUVENILE DELINQUENCY

A. Application of fundamental principles

66. The United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) were adopted by the General Assembly in its resolution 45/112. They set forth standards for the prevention of juvenile delinquency, including measures for the protection of young persons who are abandoned, neglected, abused or in marginal circumstances. The Riyadh Guidelines cover the pre-conflict stage, i.e. the stage before juveniles come into conflict with the law. They have a "child-centred" orientation and are based on the premise that it is necessary to offset those conditions that adversely influence and impinge on the healthy development of the child. The Riyadh Guidelines focus on early preventive and protective intervention modalities and aim at promoting in a concerted effort a positive role on the part of various social agencies, including the family, the educational system, the mass media and the community, as well as the young persons themselves.

67. A number of countries have implemented policies that provide for specific measures to prevent juvenile delinquency. Some countries have done so to a certain extent, while in Argentina, Australia (the Capital Territory and New South Wales), Bahrain, Chile, Estonia, Kazakhstan, Lebanon, Mauritius, Panama and Sweden, the prevention of juvenile delinquency has been taken into account in overall crime prevention strategies. Ecuador reported that it had no such policies. In general, delinquency prevention policies and measures involved the provision of opportunities, in particular educational opportunities, to meet the varying needs of young persons and to serve as a supportive framework for safeguarding the personal development of all young persons. Such policies paid special attention to those who were demonstrably endangered or at social risk and were in need of special care and protection. In 13 countries, the official intervention to be pursued focused primarily on the overall interest of the young person and was guided by fairness and equity. Almost half of the responding countries had measures in place that safeguarded the well-being, development, rights and interests of all young persons. One fifth of all responding countries reported that their delinquency prevention programmes took into consideration that youthful behaviour or conduct that did not conform to overall social norms and values was often part of the maturation and growth process and tended to disappear spontaneously

with the transition to adulthood. In almost one third of all responding countries, policies recognized that, in the predominant opinion of experts, labelling a young person as "deviant", "delinquent" or "pre-delinquent" often contributed to the development of a consistent pattern of undesirable behaviour by the young person. A number of countries (Algeria, China, Germany, India, Japan, Kuwait, Norway, Senegal, Sweden and Zambia) reported that their delinquency prevention policies and measures had involved all of the above.

B. Comprehensive prevention plans

68. A quarter of all responding countries had instituted a comprehensive juvenile delinquency prevention plan at every level of government. Argentina, Austria, Colombia, Israel and Slovenia reported that those plans did not include all levels of government, while China, Kazakhstan, Libyan Arab Jamahiriya, Poland, Republic of Korea, Saudi Arabia, Switzerland and Syrian Arab Republic reported that those plans existed only to a certain extent. The prevention of juvenile delinquency had been taken into account in overall crime prevention plans in one third of all responding countries. Ecuador, Finland and Zambia reported that such plans did not exist.

69. Those countries in which such plans existed reported that they included, *inter alia*, well-defined responsibilities for the qualified agencies, institutions and personnel involved in the preventive efforts (23 countries), in-depth analysis of the problem and inventories of programmes, services, facilities and resources available (21 countries) and mechanisms for the appropriate coordination of prevention efforts between governmental and non-governmental organizations (21 countries).

C. Socialization processes

1. Family

70. In more than one third of all responding countries, families in need were provided with care and protection to ensure the physical and mental well-being of children. Such services were provided to almost all families in need in Armenia, Libyan Arab Jamahiriya, Luxembourg, Mongolia, Qatar, Sweden and Switzerland. Most families in need received such assistance in Algeria, Australia (New South Wales and Queensland), Chile, Estonia, Israel, Malaysia, Mexico, Senegal, Slovenia and Syrian Arab Republic.

71. Care and protection was provided to only half of the families in need in Argentina, while only a third of the families in need in Kazakhstan and less than one quarter of the families in need in Colombia and Lebanon received such services. In Bahrain, Panama, Republic of Korea, Trinidad and Tobago and Zambia, a small proportion of the families in need were taken care of or were protected, while such assistance was provided only in exceptional cases in Togo and were not provided in Ecuador.

72. The 32 countries reporting that they provided such assistance to more than half of the families in need included the following care and protection measures in their programmes: support for parents in educating their children (29 countries), prenatal/perinatal assistance (27 countries), family counselling services (24 countries), education in drug abuse resistance (23 countries), training for children to increase social competence (21 countries), family and child bonding (20 countries), development of parenting skills (17 countries), training for parents to increase social competence (14 countries) and development of social skills (12 countries).

73. One quarter of all countries reported that special attention was given to all children of families affected by problems brought about by rapid and uneven economic, social and cultural change, in particular to children of indigenous, migrant and refugee families. In seven countries, almost all children who were affected by such problems received special attention. In Poland, only refugee families received such attention. Algeria, Australia (New South Wales), Austria, Israel, Kazakhstan, Luxembourg, Malaysia, Mexico, Qatar, Saudi Arabia, Senegal and Switzerland limited the focus of their attention to most children, while, in Argentina, such services were

provided to only about one third of those children. In Ecuador, about one quarter of those children received such attention, in Colombia, less than one quarter and in Chile, Estonia, Mongolia and Zambia, only a small proportion of children affected by such problems were given attention. The same applied to only a few children in Panama and only in exceptional cases in Australia (the Capital Territory), Mauritius, the Republic of Korea and Togo. The Republic of Korea reported that only a few children were affected by the above-mentioned problems. In Bahrain, attention was not given to this group of children. In this regard, special services focused mainly on school-based programmes and community programmes and, to a lesser extent, on family programmes, while language training programmes, cultural exchange programmes and programmes to strengthen the values of indigenous people were executed by only a few countries.

2. Education

74. Regarding the regular attendance of young persons in public education, a majority of the countries reported that all or almost all young persons participated in regular public education programmes (i.e. schools or other educational institutions). In Chile, Ecuador, Estonia, Lebanon, Mongolia and Zambia, most young persons attended regular public education, while about one half of the young persons in Mauritius and Senegal received regular public education. In Togo, only a minority of the young persons received regular public education and, in Kuwait, only a few children received regular public education.

75. Educational systems, in schools or in other educational institutions, provided programmes for young persons that included the following: after-school activities for youth (28 countries); school drop-out prevention services (17 countries); specialized prevention programmes for young persons who are at social risk (15 countries); violence prevention programmes (11 countries); and student conflict-resolution programmes (8 countries). In addition, other extracurricular activities of interest to young persons were provided in 11 countries. Some countries reported examples of additional extracurricular activities, such as "hobby schools" in Estonia, tolerance programmes in Norway, holiday camps in Malaysia and artistic programmes, such as drama and choir activities, in Togo and Trinidad and Tobago.

76. In 37 countries, the school systems had established policies and strategies to prevent alcohol, drug and other substance abuse by young persons and 28 countries reported that students were represented in bodies formulating school policy, including the policy on discipline, and decision-making.

3. Community

77. Community-based services and programmes offered appropriate counselling and guidance to young persons and their families in almost one third of all responding countries and, to a certain extent, in additional 11 countries. In Argentina, Australia (Queensland and South Australia), Austria, Chile, Colombia, Estonia, Lebanon, Panama, Slovakia, Togo and Trinidad and Tobago, such services were offered in principle, although not in all communities throughout the country. Kazakhstan and Zambia were of the view that such services needed to be developed, while in Ecuador such services did not exist. In Poland, those services would be established by law in the near future.

78. In 15 responding countries, communities offered a wide range of community-based support services, including community development centres. Such services existed only to a certain extent in an additional nine countries. In Argentina, Australia (New South Wales and South Australia), Bahrain, Chile, Colombia, Estonia, Lebanon, Panama, Slovakia, Switzerland, Togo and Trinidad and Tobago, not all communities throughout the country provided a wide range of community-based support services. In Denmark, Ecuador and Kazakhstan, such centres did not exist. Poland, the Syrian Arab Republic and Zambia were of the view that such centres should be developed.

79. In 20 responding countries, recreational facilities and services were provided by communities. Those facilities and services were provided, to a certain extent, in almost one quarter of the responding countries. In Australia (New South Wales, Queensland, South Australia and Tasmania), Bahrain, Chile, Colombia, Estonia, Lebanon, Panama, Poland, Slovakia and Trinidad and Tobago, such services existed, but not throughout the country, while in Kazakhstan such services did not exist. The Syrian Arab Republic, Togo and Zambia reported that such services should be developed.

80. Government agencies provided necessary services for homeless or street children in 25 responding countries. Poland informed the Secretariat that all such children were placed in orphanages. Homeless or street children received necessary services, to a certain extent, in Argentina, Australia (the Capital Territory, Queensland, South Australia and Victoria), Israel, Luxembourg, Mexico, Mongolia, Panama, Republic of Korea and Trinidad and Tobago. In Australia (New South Wales), Chile, Estonia, Lebanon and Zambia, those services were not available throughout the country, while in Ecuador and Kazakhstan such services did not exist. Bahrain and Togo reported that such services should be developed. Cuba and Saudi Arabia reported that the phenomenon of street children did not exist in those countries. In Cuba, children were protected through a governmental system of institutions.

4. Mass media

81. In 15 countries, the mass media disseminated information on the existence of services, facilities and opportunities for young persons. That information was disseminated by the media, to a certain extent, in 19 countries. The mass media did not disseminate such information in Argentina, Austria, Kazakhstan, Lebanon, Luxembourg, Mauritius, Norway, Syrian Arab Republic, Togo and Zambia, but should be encouraged to do so.

82. In 39 countries, the mass media, in particular radio and television, ran drug-awareness and anti-drug campaigns. Those campaigns were not run in Austria, Ecuador, Estonia and Togo but those countries were of the view that the mass media should be encouraged to do so. Cuba reported that the "drug phenomenon" did not exist as such and that, therefore, the above-mentioned issue was not applicable to Cuba.

5. Social policy

83. A number of countries reported on their social policies, including information regarding the amount spent for the delivery of services, facilities and staff necessary to implement the programmes. For example, Chile spent 2.4 million United States dollars on its social assistance programmes, which corresponded to 15.6 per cent of its total gross national product (GNP). Israel spent a total of 76 billion United States dollars, corresponding to 22 per cent of GNP. Denmark spent 25 per cent of its GNP on such services, while Japan spent 12.6 per cent of its GNP on social welfare programmes and Malaysia just over half of that amount (6.7 per cent).[1]

84. Some countries reported that the formal institutionalization of young persons may be authorized under circumstances other than those mentioned above. For example, in Panama, formal institutionalization may be ordered in response to parental requests or as a result of police actions deriving from juveniles roaming at certain hours. In Poland, immoral behaviour of children up to 13 years of age may be a reason for such formal institutionalization. In Slovakia, a young person may be placed in an institution as a consequence of the death of his or her parents or for any other serious reason. In Trinidad and Tobago, children who were considered to be beyond parental control could be placed in institutions. In Cuba, a set of legal instruments was established for the protection of children and juveniles. Due care was provided to victims of rare cases of familial abusive treatment. Institutionalization of children and juvenile victims was avoided. The Ministry of Education provided them with shelter in cases where educative measures imposed on responsible adults were not effective. Also, the regular governmental educational system included internal schools for meeting the special needs of the population. In Chile, juvenile institutionalization in special establishments occurred in cases of the violation of

penal laws when the juvenile was subjected to materially or morally dangerous situations. In Colombia, those young persons were regarded as victims of natural disasters or as dependants of drug users. In Ecuador, children and juveniles were not considered "criminals" or "delinquents". Corrective action implied the institutionalization of young persons in establishments in which their behaviour was monitored. In Malaysia, a child or young person could be placed in an institution if he or she was an orphan or did not have parents who were able to exercise proper care and guardianship, or where a child or young person had committed a criminal offence or was in need of care or protection. Sweden reported that authorized interventions did not always result in the institutionalization of children; they were more often placed in foster care.

85. In 12 countries, programmes to prevent juvenile delinquency were planned and developed on the basis of reliable, scientific research findings. This was done, to a certain extent, in another 14 countries. Such research findings, however, did not yet cover all aspects of juvenile delinquency prevention in Argentina, Australia (the Capital Territory, South Australia and Victoria), Chile, Colombia, Denmark, Germany, Kazakhstan, Mexico, Mongolia, Saudi Arabia, Slovakia, Syrian Arab Republic and Zambia. Research did not provide the basis for such prevention programmes, in Algeria, Finland and Togo, due to inadequate resources. In Bahrain, Ecuador, Luxembourg, Mauritius and Panama (due to the lack of resources), research findings did not provide the basis for the planning and development of juvenile delinquency programmes.

86. Programmes to prevent juvenile delinquency were periodically monitored, evaluated and adjusted in almost one third of all responding countries and, to a certain extent, in another 15 countries. In Australia (the Capital Territory, New South Wales and South Australia), Denmark, Kazakhstan, Libyan Arab Jamahiriya, Mexico, Qatar, Saudi Arabia and Zambia, not all such programmes were monitored on their efficacy. In Algeria, Colombia, Finland, Lebanon, Senegal, Togo and Trinidad and Tobago, monitoring did not take place, due to inadequate resources, nor did it take place in Argentina, Bahrain, Ecuador, Mauritius or Panama.

6. Research, policy development and coordination

87. Mechanisms were established to promote, on both a multidisciplinary and an intra-disciplinary basis, interaction and coordination between economic, social, educational and health agencies and services, the justice system, youth, community and development agencies and other relevant institutions in 13 countries. This was the case, to a certain extent, in another 14 countries. In Algeria, Argentina, Armenia, Australia (the Capital Territory and South Australia), Austria, Finland, Israel, Kuwait, Lebanon and Slovakia, such interaction and cooperation was not ensured with all the above-mentioned agencies. These mechanisms have been established mainly through inter-agency meetings (33 countries), individual contacts (30 countries) and conferences (27 countries). In Bahrain, Colombia, Kazakhstan, Mongolia, Panama and Togo, such mechanisms did not exist; however, agencies and services interact and coordinate their activities on occasion. Bahrain, Mauritius and Zambia reported that such mechanisms should be established. In Ecuador, such mechanisms were not in place.

88. Asked to mark on a scale ranging from 0 to 15 whether the exchange of experiences involving research, policy development and coordination has proved to be satisfactory (0) or unsatisfactory (15), 22 countries were of the view that such exchange was satisfactory: Azerbaijan (0), Cuba (1), Egypt (1), India (1), Libyan Arab Jamahiriya (1), Qatar (1), Senegal (1), Spain (1), Syrian Arab Republic (1), Mexico (1.5), China (2.5), Japan (2.5), Slovenia (2.5), Malaysia (3), Denmark (3.5), Australia (Queensland) (4), Iraq (4), Lebanon (4), Norway (4), Switzerland (4), Kuwait (4.5) and Togo (4.5). Twelve countries were of the view that it was neither really satisfactory nor really unsatisfactory: Israel (6), Australia (6.5), Colombia (6.5), Sweden (7), Argentina (7.5) Bahrain (7.5), Chile (7.5), Republic of Korea (7.5), Trinidad and Tobago (8), Estonia (9), Poland (9) and Mongolia (9.5). A few Member States appeared to be dissatisfied with how experiences were exchanged: Kazakhstan (10.5), Armenia (11), Slovakia (11), Finland (12), Panama (12.5), Luxembourg (14) and Zambia (14.5).

IV. SUMMARY

89. In the administration of juvenile justice, the minimum age of criminal responsibility for juveniles ranged from 7 to 18 years of age, with most countries setting this limit at any age between 12 and 16 years. So-called status offences existed in the national legislation of 13 countries and, to a certain extent, in another six countries. Almost all responding countries appreciated the fact that juvenile delinquency necessitated a different procedure than that used in cases of adult criminality. In some countries, the concept that in all actions concerning juvenile offenders the best interests of the child were a primary consideration resulted in the possibility of providing more intensive care than would be justified on the basis of the proportionality between the offence and the reaction. In two thirds of all responding countries, diversion programmes were established as common reactions to juvenile delinquency. Some countries reported that half or more of all cases involving juvenile delinquency were dealt with by diversion programmes and that such programmes may even be used in cases involving more severe infringements of the law. In almost three quarters of the responding countries, detention pending trial was avoided if there was an alternative measure that could be applied. Many countries limited the time of detention pending trial, which may last up to two years in some countries. Some countries reported considerable delays in justice. In two countries, the death penalty could be imposed on a juvenile. Life imprisonment with no possibility of early release could be imposed on juveniles in four countries. Corporal punishment could be imposed in five countries. Most countries limited the maximum duration of institutionalization, including imprisonment, and any possible extension of an initial punishment to up to 10 years. However, in five countries, the duration could be up to 15 or 25 years and in another 15 countries it was not limited.

90. Juveniles deprived of their liberty were kept in dormitories in almost three quarters of the countries. In one quarter of all responding countries, the minimum floor space available for each juvenile was 3 m^2 or less. In another one quarter of all responding countries, it was from 3 to 5 m^2. In some countries that used dormitories as sleeping accommodations, more than 30 juveniles could be placed in one room. In a number of countries, separation of different categories of juvenile inmates was not applied. Although in some countries, juveniles could take a bath or shower whenever they wanted to, in other countries, imprisoned juveniles had poor conditions for maintaining personal hygiene. With regard to the provision of beds and bedding, as well as the provision of food, education and work, a number of countries appeared to be facing serious challenges. Punishment measures included, for example, limitations on receiving visits or mail, extra work and reductions in pocket money and participation in leisure-time activities. In a few countries, close confinement and corporal punishment, including caning, could be applied to discipline imprisoned juveniles. Instruments of restraints could be used in nine countries. Almost all countries reported that there were regular inspections of the detention facilities and services. However, in some countries, the recommendations of the prison inspector had no direct influence on the practice followed by the prison administration in the management of prisons and the treatment of juveniles.

91. Half of all responding countries had a comprehensive policy in place that would ensure coherent action to prevent juvenile delinquency. In those countries that had such a plan, emphasis was placed on the family, the school and the community as partners to prevent juvenile delinquency. With regard to education, most school systems were reported to have in place programmes for the prevention of alcohol consumption and drug and other substance abuse by young persons. Counselling and guidance for young persons and their families through community-based services and programmes were provided by more than half of all countries. Some countries were of the view, however, that such programmes needed to be established or further improved. A number of countries could afford to provide services for homeless children or street children to a limited extent, while in other countries, children in those difficult circumstances did not receive any assistance. With regard to social policies, not all countries had established strictly defined criteria authorizing formal intervention or institutionalization of young persons.

92. It may be recalled that the Committee on the Rights of the Child, when reviewing the implementation of the Convention on the Rights of the Child by States parties regarding the situation of children when in conflict with the law, takes into account the basic principles reflected in the three United Nations standards and norms. To that end, the Committee has repeatedly made clear that in order to fully implement the Convention, due respect of the aforementioned instruments was required. Accordingly, and as recommended by the Council, in its resolution 1997/30 on the administration of juvenile justice, the information contained in the present report will be made available to the Committee on the Rights of the Child to complement the reports of States parties.

Notes

[1]For further information, see United Nations Development Programme, *Human Development Report 1997* (New York, Oxford University Press, 1997).

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.15/1998/9
9 March 1998

ORIGINAL: ENGLISH

COMMISSION ON CRIME PREVENTION
AND CRIMINAL JUSTICE
Seventh session
Vienna, 21-30 April 1998
Item 8 (a) of the provisional agenda*

TECHNICAL COOPERATION, INCLUDING RESOURCE MOBILIZATION, AND COORDINATION OF ACTIVITIES

TECHNICAL COOPERATION

Report of the Secretary-General

Summary

The present report describes the technical cooperation undertaken in 1997, highlighting the coordination of activities with other United Nations entities. It also describes the contributions of Member States in the field of crime prevention and criminal justice, providing suggestions on how the technical cooperation programme might be enhanced.

*E/CN.15/1998/1.

V.98-51501 (E)

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INTRODUCTION

1. In accordance with Economic and Social Council resolution 1992/22, in which the Council decided that technical assistance would be a standing item on the agenda of the Commission on Crime Prevention and Criminal Justice, and Council resolution 1997/35, on technical cooperation and international advisory services in crime prevention and criminal justice, the present report provides an overview of the technical cooperation and advisory services delivered between 1 January and 31 December 1997 by the Centre for International Crime Prevention.*

2. The report also contains an overview of action taken in response to specific mandates of the United Nations Crime Prevention and Criminal Justice Programme requesting the strengthening of technical cooperation. It is hoped that this report will enable the Commission on Crime Prevention and Criminal Justice to evaluate the results achieved so far, to assess the means required to proceed further and to provide guidance on future action.

I. REVIEW OF TECHNICAL COOPERATION ACTIVITIES SPECIFICALLY MANDATED BY THE COMMISSION

3. The General Assembly, in its resolution 52/90, reaffirmed the high priority attached to technical cooperation and advisory services in the field of crime prevention and criminal justice and called upon States and United Nations funding agencies to make financial contributions for operational activities of the United Nations Crime Prevention and Criminal Justice Programme.

A. Significant developments

4. In 1997, the Centre for International Crime Prevention continued the process begun in 1995 of strengthening its operational capacity in technical cooperation. In parallel with the increase in stature of the Centre from a branch to a division in 1995 and from a division to a centre at the end of 1997, the capacity of the Centre to engage in technical cooperation has grown. This enhanced capacity has been recognized by the other United Nations entities and some have agreed to enter into special arrangements with it.

5. In 1997, the Centre received a larger number of requests for its services and is now the first recourse for Governments or offices of the United Nations Children's Fund (UNICEF) or the United Nations Development Programme (UNDP) wishing to start technical cooperation activities. The annex to the present report contains details on the numerous missions undertaken in the past year. The Centre still cannot service all the requests it receives. This may result in frustration on the part of Member States that expect to have their requests dealt with expeditiously.

6. The substantial number of new projects being implemented also resulted in a sizeable increase in the current workload. In 1996, the only major technical cooperation field projects of the Centre were in Bosnia and Herzegovina. During 1997, the Centre also had projects in Albania, Kyrgyzstan, Mongolia, South Africa and

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*The technical assistance activities undertaken by the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network will be covered in a separate report of the Secretary-General, to be prepared for the Commission at its eighth session. Information on the coordination of activities and cooperation between the Centre for International Crime Prevention and other United Nations entities and intergovernmental and non-governmental organizations will also be submitted to the Commission at its eighth session. In addition, there will be a conference room paper on the activities undertaken and results achieved by the informal consultative group on resource mobilization (E/CN.15/1998/CRP.5). In line with section I of Commission resolution 6/1, on strategic management of the Programme by the Commission, reporting on those activities will be biennialized.

the former Yugoslav Republic of Macedonia and for the Economic Community of West African States (ECOWAS). The number of projects and the total amount of funds involved increased considerably compared with the figures for previous years.

7. The amount of money received or pledged for technical cooperation projects also rose significantly. The contribution of US$ 1 million from the United States of America for projects in Romania and South Africa and for the ECOWAS project was the largest single contribution for technical cooperation projects that was ever made to the United Nations Crime Prevention and Criminal Justice Fund. The pledge of US$ 660,000 from the Austrian Government for a project to establish two outreach centres against domestic violence in South Africa was the largest contribution towards a single project in the history of the Fund. The pledges in 1997 of US$ 80,000 from the Government of Austria and US$ 50,000 from the Government of Turkey were the first concrete results of the informal consultative group on resource mobilization.

8. In 1997, there was also a large increase in the human resources that the Centre dedicated to technical cooperation. That was made possible by the reassignment of staff on regular budget posts and the allocation of extrabudgetary resources provided by Member States. One half of the professional staff members of the Centre are now dedicated to technical cooperation activities or directly supporting them. A senior official with long experience in technical cooperation has been appointed Chief of Operational Activities. The senior experts contributed by Austria and France to the Centre provide a wealth of expertise from which Member States can and do draw. Several of the associate experts (junior professional officers) have gained sufficient practical experience in formulating and implementing technical cooperation projects to qualify as potential field project managers. In the field, they will continue to acquire management and practical experience, thereby ensuring a cadre of experienced technical cooperation personnel for future activities. A training course in project design and formulation for all technical cooperation personnel was held in January 1998.

9. In 1997, the Centre also increased its storehouse of technical cooperation tools. During the year, much work was done on developing model laws, together with commentaries and training manuals in a number of areas. These have been designed to be readily adapted by interested Member States.

10. The most significant technical cooperation agreement signed in 1997 was the memorandum of understanding between the Centre and the United Nations Office for Project Services. The memorandum is an umbrella agreement under which the Centre and the Office agree to implement projects together. The United Nations Office for Project Services, an independent agency within the United Nations system established specifically to implement projects, has an annual portfolio of over US$ 1 billion. Pursuant to the memorandum, the Centre and the Office signed an agreement with respect to a preparatory assistance project in South Africa, which is an important precedent for backstopping services in future years.

11. Pursuant to Economic and Social Council resolution 1997/30, the Centre has taken the lead in convening a strategy meeting to establish a coordination panel for providing technical cooperation in the area of juvenile justice. A number of United Nations entities are focusing on the area of juvenile justice in conjunction with the work of the Committee on the Rights of the Child. The Centre took the initiative in 1997 of bringing together UNICEF, the Office of the United Nations High Commissioner for Human Rights of the Secretariat, the non-governmental organizations network on juvenile justice, the European Institute for Crime Prevention and Control, affiliated with the United Nations, and the International Centre for Criminal Law Reform and Criminal Justice Policy. The existence of a coordination panel has already generated a number of new requests for technical cooperation from UNICEF, and the Centre will have to expand its expertise in this and related areas in order to meet the new demands.

12. In 1998, the Centre will try to consolidate its technical cooperation capacity, which is funded to a large extent through short-term extrabudgetary resources. Special efforts will be made to achieve recognition as an independent executing agency by United Nations Headquarters and UNDP.

B. Action undertaken in the fight against organized crime, corruption and bribery

13. The General Assembly, in its resolution 52/85, requested the Secretary-General to continue to provide States with advisory services in order to prevent and control organized transnational crime.

14. To fight corruption and bribery, the General Assembly, in its resolution 51/191, requested the Economic and Social Council and its subsidiary bodies to keep the issue under regular review. The Assembly, in its resolution 52/87, requested the Secretary-General to intensify technical assistance to combat corruption by providing advisory services to Member States requesting such services.

15. Pursuant to those resolutions, the Centre has undertaken a number of needs assessment and advisory missions to ascertain the specific requirements of Governments facing the challenges of organized crime and corruption. In 1997, work was carried out with the Governments of Albania, Angola, Bosnia and Herzegovina, China, Croatia, Georgia, Guinea, Kazakhstan, Kyrgyzstan, Lebanon, Mongolia, Mozambique, Romania, Russian Federation, Tajikistan, the former Yugoslav Republic of Macedonia and Ukraine. Details of that work are provided in the annex to the present report.

16. A number of regional initiatives were also undertaken. An African regional ministerial workshop on organized and transnational crime was held at Dakar in July 1997. It resulted in the endorsement of three subregional projects. The Centre participated in a seminar on anti-corruption strategies for the countries of eastern and central Europe and the Commonwealth of Independent States (CIS), held at Budapest in April 1997. The Centre also participated in a conference organized by Europe 2000 on European cooperation against organized crime, terrorism and corruption in the Balkans and the Black Sea area; the conference was held at Bucharest in September 1997.

17. A manual on organized crime has been prepared by the Centre. Two training sessions on combating organized crime and corruption were held at Skopje in September and October 1997. The training sessions have resulted in the establishment of a law reform group to change the laws to meet the challenges of organized crime in the former Yugoslav Republic of Macedonia and in a UNDP assistance project. A book on the measures needed to combat organized crime and corruption has also been published as a result of the sessions.

18. In Bosnia and Herzegovina, two projects to strengthen the criminal justice systems are under way: one in the Federation of Bosnia and Herzegovina and the other in Republika Srpska. The major components of the projects, which are being supported by the Government of Japan and UNDP, are law reform and modernization of the court system through the provision of computers and advisory assistance on combating a number of problems, including corruption and organized crime.

19. A project has been formulated to assist Croatia in the fight against organized crime through the holding of a series of training seminars for law enforcement officials. An action plan for rehabilitating the justice system in Albania is under preparation; it will include an assessment of material and training needs.

20. An anti-corruption law drafted for Romania is currently under consideration by the Parliament. The United States has provided funds for an anti-corruption publicity campaign and support for anti-corruption institution-building.

21. In June and September 1997, the Centre followed up on a request by the Romanian Government to assist in the restructuring of the Ministry of the Interior. In view of the changed political environment and as a result of a series of consultations, however, the Government asked instead for assistance in restructuring the Romanian intelligence service, which is responsible for combating organized crime. Two officers from the Centre had an opportunity to assess the organization and structure of the intelligence service and to make initial recommendations.

22. Two missions were undertaken to Guinea to discuss with the Government, UNDP and the World Bank a project to combat corruption and to fight organized economic crime. In Mozambique, the Centre assisted in the preparation of the UNDP country justice programme. The mission identified a need for assistance in improving the penitentiary system, in creating a judicial training centre and in the work of the law reform commission. The UNDP office in Angola has allocated funds for justice reform. In this connection, the Centre continued its discussion with the Angolan authorities on a 1996 project proposal for strengthening the capacity of the national criminal justice system to prevent corruption and organized criminal activities.

23. In response to a request submitted by the Lebanese authorities for strengthening the institutions and capacities to control corruption, the Centre elaborated a project proposal aimed at providing Lebanon with the legislative and institutional capacity to prevent and control corruption and associated organized criminality. The project proposal has been submitted for approval and is now awaiting funding. Following the invitation of the Ministry of State for Administrative Reform, Officers from the Centre participated as resource persons in a workshop on corruption and the means for combating it, held at Beirut from 16 to 23 November 1997.

24. Two officers from the Centre undertook a mission to Mongolia to assess the needs of the police forces in that country in dealing with contemporary forms of criminality. It proposed a plan for restructuring the entire police organization. The restructuring of the Ministry of the Interior of Kazakhstan was discussed with the secretary-general of the national commission for administrative reform of that country. The Centre participated in a programming mission to Tajikistan organized by the United Nations International Drug Control Programme (UNDCP). The mission focused on strengthening the capacities of the border police to fight organized transnational crime and drug trafficking.

25. In Kyrgyzstan, the Centre is acting as the cooperating agency in the implementation of a joint project of UNDP and the Danish International Development Agency (DANIDA) to fight organized crime. Training courses have been held, a manual is under preparation, equipment has been purchased and advisory missions have been undertaken to prioritize allocation of available resources. A similar project is under consideration by UNDP in Ukraine.

26. A number of projects related to combating organized crime and trafficking in women are being considered by the authorities in the Russian Federation. The UNDP office in Moscow has expressed interest in supporting this initiative by fund-raising and offering use of its regional infrastructure in that country. The Centre took part in a joint meeting of the coordinating councils of law enforcement agencies of CIS, held in Moscow in December 1997.

27. The Centre participated in the first international conference held in the Russian Federation on trafficking in women from the newly independent States abroad.

28. Discussions have been held with the Chinese Government concerning possible technical cooperation to deal with organized crime, prison reform and related training activities.

C. Crime statistics and criminal justice management

29. The Economic and Social Council, in its resolution 1996/11, entitled "International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information", urged Member States to assist the Secretary-General in strengthening the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme network.

30. As a result of an interregional training course held at Seoul from 9 to 13 September 1996, a resource book entitled *The United Nations Crime and Justice Information Network: Providing Information to and from Developing Countries* has been prepared. The resource book is designed to assist Governments in establishing mechanisms to collect, maintain and disseminate crime and justice information.

31. In June 1997, a seminar on principles of computerization of criminal justice information was organized in Moscow by the Government of the Russian Federation and the European Institute for Crime Prevention and Control, affiliated with the United Nations. The seminar took place as part of a programme to provide assistance in judicial reform to the Russian Federation. The Centre is undertaking fund-raising activities to finance the programme.

32. During a mission to the former Yugoslav Republic of Macedonia, the Government was assisted in the formulation of a project proposal aimed at computerizing the criminal justice system in order to improve the collection and analysis of data on serious forms of crime. The implementation of such a project and the targeted use of an effective data-gathering system would be of help to the law enforcement agencies combating organized crime.

33. An important element in the two projects in Bosnia and Herzegovina was the computerization of the criminal justice system. The computers are to provide, in addition to legal text retrieval and pilot case-load management systems in selected courts, assistance in enhancing the capacity to maintain judicial statistics. Two computers were also provided to prisons to keep track of the number of people incarcerated.

D. Juvenile justice

34. In its resolution 1997/30, the Economic and Social Council recognized the need to further strengthen technical assistance in the field of juvenile justice and encouraged Member States to make use of the technical assistance offered through United Nations programmes in order to strengthen national infrastructures in the field of juvenile justice, with a view to fully implementing the provisions of the Convention on the Rights of the Child (General Assembly resolution 44/25, annex). Technical assistance activities were undertaken in Bangladesh, Bosnia and Herzegovina, Burkina Faso, Croatia, Guatemala, Lebanon, Rwanda and South Africa during the reporting period.

35. In Bangladesh, the Centre cooperated with UNICEF in a workshop on juvenile justice entitled "Law, Policy and Programmes for the Next Millennium". The Centre has been asked by the Minister of Law, Justice and Parliamentary Affairs to undertake a needs assessment mission to determine the reforms required.

36. The two projects on strengthening the criminal justice system in Bosnia and Herzegovina, funded by UNDP and the Governments of Austria and Japan, contain important juvenile justice components, including law reform and training of judges, prosecutors and other criminal justice personnel specializing in juvenile justice matters. For the second phase, funding is being sought for the establishment of a halfway house and a juvenile delinquency prevention system.

37. The Centre was requested by the Ministry of Justice of Burkina Faso to elaborate a technical cooperation project aimed at reforming and introducing new legislation and at institution-building to improve the juvenile justice system.

38. In Croatia, the Centre is assisting in the implementation of a technical assistance project, funded by the Council of Europe, to bring the criminal justice system in line with international standards. One of the interests of the law reform commission of the Government is the provision of alternative, non-custodial measures for both adults and juveniles.

39. A needs assessment mission was undertaken at the request of the Government of Guatemala. The first draft of a project document was prepared, paying special attention to the introduction of non-custodial measures and diversion and mediation programmes that take into account the conflict-resolving traditions of the indigenous people. Important components of the project are the establishment of specialized jurisdictions for juveniles, the reform of the administration of the correctional system for juveniles and the organization of training seminars for judges, prosecutors and relevant criminal justice officers. UNICEF and the World Bank have indicated their interest in collaborating with the Centre in that project.

40. A project document signed by the Lebanese Government envisages the strengthening of national regulations on the basis of a model law, the provision of training seminars, the establishment of a centre for juveniles in conflict with the law and the establishment of a unit within the Ministry of Justice to coordinate all activities related to juveniles and to elaborate action plans for the prevention of juvenile delinquency. The project has been partly funded and is ready for implementation. A mission by an architect to advise on the design of a facility for juveniles has already been undertaken.

41. UNICEF has requested the Centre to help the Government of Rwanda to improve its juvenile justice system. The Centre is participating in the implementation of two projects. The first focuses on the training of judges and prosecutors to prepare them for the trials of children charged with genocide. The second project is focused on assessing the needs in Rwanda in dealing with children in conflict with the law. A long-term project has been submitted to the Austrian Government for possible financing.

42. The UNICEF office in Moscow is collaborating with the Centre in the development and implementation of a police training programme on juvenile justice.

43. A large-scale project is under way in South Africa to improve the functioning of the youth justice system and to implement the policy recommendations of the interministerial committee on young people at risk. The project includes increased use of diversion programmes, greater protection of young people deprived of their liberty, strengthening the capacity of the probation services and making more widespread use of non-governmental organizations. The Government of South Africa is also interested in gaining more international experience as a basis for formulating new legislation, establishing a research capacity to support policy development, raising awareness among professionals in the criminal justice system and establishing an independent monitoring process. In the preparatory phase, the Centre organized a workshop with the South African Law Commission on legislating for youth justice.

44. In April 1997 the Centre participated in a meeting on regional cooperation in the greater Mekong area on the promotion and protection of children's rights, organized by Children's Rights ASIANET, the National Commission on Women's Affairs of Thailand and the Royal Thai Police. The purpose of the meeting was to strengthen cooperation among police forces in the prevention of trafficking in children for sexual exploitation.

E. Victims of crime and abuse of power

45. The Economic and Social Council, in its resolution 1997/31, on victims of crime and abuse of power, reiterated the importance of technical cooperation in reviewing or promulgating national legislation on the subject.

46. In the framework of a larger project supporting the national crime prevention strategy in South Africa, the Centre has been involved in a series of activities related to victims. The Austrian Government has approved the funding of the operations of two pilot outreach centres for women victims of violence and for perpetrators in order to break the cycle of violence. A national victimization survey will be carried out as part of a joint preparatory assistance project of UNDP and the United Nations Office for Project Services. The United Nations Interregional Crime and Justice Research Institute is contributing to the project by advising the South African Government on the survey. A directory on existing victim services, including special services for cases involving domestic violence, will also be prepared. In line with the recommendations contained in the United Nations guide and handbook on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex), a nationwide system of victim assistance services will be developed. National and provincial forums will be organized to discuss the implementation of the South African model for victim empowerment, as well as victims' rights to reparation, compensation and physical, medical and social assistance. A national awareness campaign on the extent of victimization and educational programmes will be developed to ensure affirmative action. Issues of concern to women will be incorporated into all policies, procedures, regulations and operations of the criminal justice system to make them gender-sensitive. Preventive measures will also be developed between provincial governments, non-governmental organizations and local agencies through pilot projects and human rights education.

F. Improvement of prison conditions

47. The Economic and Social Council, in its resolution 1997/36, requested the Secretary-General to assist countries in the improvement of their prison conditions, through advisory services, needs assessment, capacity-building and training activities.

48. In Albania, an action plan has been developed that includes the improvement of the prisons. Facilities have been examined by experts from the Centre and an estimate has been made of the cost of raising the standards of Albanian prisons, jails and detention facilities to European or international standards. A donor conference to address the situation is to be organized by UNDP.

49. All prison facilities in Bosnia and Herzegovina have been visited by a series of consultants on prison management and organization, alternatives to imprisonment, rehabilitation, and probation services. Recommendations were made to the heads of the prison services and to individual wardens. Training manuals for correctional workers in Bosnia and Herzegovina have been tailored to the local conditions and translated into the local languages, and workshops on training techniques have been held. Workshops on non-custodial measures are being planned for 1998.

50. A staff member from the Centre visited Guinea in December 1997 to follow up on recommendations given during a previous mission. It was noted that vocational workshops, small-scale cultivation for food, and educational facilities had been established and that the juvenile detention centre had been enlarged.

51. An interregional adviser undertook a follow-up mission to Haiti to evaluate the progress made in the rehabilitation of the criminal justice system and the creation of a national penitentiary administration. A project

for the rehabilitation of the penitentiary system in Haiti has been formulated at the request of UNDP and funding for it is being sought.

52. A project proposal for the Caribbean has been prepared by the Centre to address the problems of overcrowding and drug use in prisons. It includes a study on prison conditions in each of the Caribbean countries, including existing legislation and rules, schemes to improve community participation in the rehabilitation of prisoners, particularly drug-addicted prisoners, alternative non-custodial measures, diversion mechanisms, improved parole and probation systems and training of prison staff in the treatment of drug abusers. The European Commission has expressed interest in possibly financing the project.

53. The Centre participated in an international conference on prison system reform and staff training in the Russian Federation. A handbook in Russian on the use and application of the Standard Minimum Rules for the Treatment of Prisoners[1] was presented and discussed.

54. A preparatory assistance project on alternative sanctioning and post-release programmes in South Africa, funded by UNDP and the United Nations Office for Project Services, is under way. An expert is assisting in the preparation of regulations on alternative sentencing with a view to ensuring the limited use of pre-trial detention and establishing a range of alternative non-custodial measures. Another expert is identifying needs related to risk management in corrections. A workshop will be organized to discuss appropriate statutory changes and practical implementation strategies. Within the framework of a larger project supporting the national crime prevention strategy, train-the-trainer courses for magistrates, prosecutors and defence attorneys are envisaged as part of the implementation of the new statutory provisions on alternative sanctions and rehabilitation. At the same time, the capacity of private institutions to provide alternative programmes will be assessed and an operational system for cooperation between public agencies and non-governmental organizations will be designed.

55. The Chief of Operational Activities of the Centre visited the juvenile detention facility and main prison of Uganda, as well as carpentry shops established by former offenders. The situation in the juvenile facility and the conditions in the district jails and regional prisons are alarming. On the basis of a draft project proposal prepared by the Centre, Austria and Denmark have provided direct support to improve the living conditions in selected prisons in Uganda, particularly the Masaka prison.

G. Other areas

56. As can be readily seen from the preceding sections, during 1997 the technical cooperation activities were focused more on those programme areas specifically related to the most recent mandates of the Commission. Nonetheless, the Centre is still receiving requests for general policy advice on crime prevention. For example, a request was received from UNDP to help prepare a plan to establish a national crime prevention council in Swaziland, and the Centre was invited to play a role in a national conference on that matter.

57. The Centre is also working with the Department of Economic and Social Affairs of the Secretariat, with the support of UNDP, to examine ways of strengthening the legal framework for human security in Bangladesh. A mission identified areas of study to be developed by national consultants related to human security issues at all levels of the criminal justice system. In addition, the mission identified a number of initiatives that could be immediately undertaken by the Government in the area of prison administration and police.

58. As follow-up to a previous mission, two staff members from the Centre visited Senegal to finalize the formulation of a pilot project on the prevention of urban crime in the city of Dakar. The pilot project will focus on the following: (a) the establishment of elements of community policing; (b) the introduction of mediation

and conciliation techniques; and (c) the creation of *maisons de justice* in the most neglected neighbourhoods of Dakar in order to prevent organized criminal activities.

II. TRAINING AND FELLOWSHIPS

59. The Economic and Social Council has, on a number of occasions, reaffirmed the relevance of training as a means of improving skills and professionalism and bringing about change in the attitudes and methods of work of criminal justice practitioners. The Centre has developed practical training curricula, manuals and course packages that can be adapted to the situation in each country. The Centre also uses the opportunity of computer training to improve methods of operation.

60. The training activities undertaken by the Centre are directed at the end-users, for example, police officials, prosecutors, judges or prison officers, or they are designed to have a multiplier effect by being directed at trainers, such as teachers at police colleges or in training facilities for prison staff.

61. In 1997, the Centre undertook several training activities in different fields, such as correctional services, community policing, organized crime, extradition and mutual assistance, drug trafficking, juvenile justice, crime prevention and policing in peacekeeping operations. The activities were usually carried out as part of national projects, such as in Bosnia and Herzegovina, Kyrgyzstan, Mozambique, South Africa and the former Yugoslav Republic of Macedonia.

62. At the request of the Government of the former Yugoslav Republic of Macedonia, two training courses for senior law enforcement officers on the fight against organized crime and corruption were carried out by consultants and representatives of the Centre in October 1997.

63. The first stage of a global project on the implementation of the ECOWAS conventions on mutual assistance in criminal matters and extradition consisted of a two-week training seminar for 33 judges, prosecutors and law enforcement officials designated by all ECOWAS member States. The seminar, organized jointly by the Centre and UNDCP, was held at Grand Bassam, Côte d'Ivoire, in September 1997. It dealt with specific issues relating to mutual assistance, extradition and trafficking. The second phase of the project, involving activities to assist all ECOWAS member States in implementing the two conventions, is expected to start shortly.

64. Staff from the Centre have participated as resource persons in courses organized by other institutions. In January 1997, an interregional adviser conducted a course on money-laundering at the Higher Institute for French Notaries in Paris. In May 1997, a staff member from the Centre served as a resource person at the 106th International Training Course of the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, entitled "The Quest for Effective Juvenile Justice Administration"; the course was organized in Tokyo for police forces, prosecutors and judges. In July 1997, a staff member from the Centre gave lectures on United Nations efforts against organized transnational crime at a university at San Sebastián, Spain. The Centre participated in a seminar on prison overcrowding organized by the Latin American Institute for the Prevention of Crime and Treatment of Offenders at San José, Costa Rica in February 1997. The Centre also participated in a police training course organized in Paris in March 1997 by the French Ministry of the Interior and the National Police Academy on legal and technical aspects of the fight against money-laundering.

65. In July 1997, the Council of Europe organized at Bordeaux an international seminar for heads of eastern, central and western European judicial schools on strengthening the capacities of the judiciary to face organized crime and corruption. At the seminar, an interregional adviser led a course on mutual assistance and extradition procedures and techniques related to organized crime.

66. The Centre organized a training seminar on extradition for participants from English-speaking countries, hosted by the International Institute of Higher Studies in Criminal Sciences at Siracusa, Italy in November 1997. The seminar was followed by an expert group meeting to start the review of a draft model law on extradition prepared by the Centre. Two other seminars, for persons from French-speaking and Spanish-speaking countries, will take place in 1998.

67. In Rwanda, a consultant of the Centre chaired a workshop on juvenile justice for judges and prosecutors organized by UNICEF at Kigali in August 1997. In November 1997, a consultant of the Centre participated in an international workshop on drafting juvenile justice legislation at Cape Town, South Africa. In May and November 1997, a representative of the Centre served as a resource person in two training seminars on human rights, norms and principles in the administration of prisons, organized at Conakry by the Office of the United Nations High Commissioner for Human Rights for directors of correctional institutions and prisons and magistrates and chiefs of police in Guinea.

68. The Centre organized for the second time the technical cooperation fellowship in the field of crime prevention and criminal justice, funded from the regular budget for technical cooperation. The fellowship programme provides the opportunity for qualified personnel from developing countries and countries with economies in transition to go abroad and improve their professional abilities in some aspect of crime prevention and criminal justice in order to better discharge the duties and responsibilities that will be entrusted to them when they return to their home countries. Two high-level criminal justice professionals, one from Mali and the other from Uganda, were selected from 31 nominees from African and Asian countries to take part in the fellowship programme.

III. CONTRIBUTION TO UNITED NATIONS PEACEKEEPING OPERATIONS

69. The General Assembly, in its resolution 52/90, took note with appreciation of the contributions of the United Nations Crime Prevention and Criminal Justice Programme to United Nations peacekeeping and special missions and encouraged the Secretary-General to recommend the inclusion of the re-establishment and reform of criminal justice systems in peacekeeping operations.

70. In Bosnia and Herzegovina, the activities of the Centre were coordinated with United Nations Mission in Bosnia and Herzegovina, particularly the International Police Task Force, the office of the High Representative and other members of the international community active in the area of criminal justice, as well as with UNDCP, which also opened an office at Sarajevo. In Bosnia and Herzegovina, the rehabilitation of the criminal justice system is crucial to successful peacekeeping and post-conflict reconstruction. The criminal justice system will require increased attention to ensure a democratic transition to a normal civil society.

71. In October 1997, an officer of the Centre served as an instructor for a training seminar on human rights and crime prevention for the United Nations Observer Mission on Angola (MONUA) and its civilian police component, held at Luanda. The seminar was conceived as the first activity in a series of events to promote international criminal justice and human rights standards among the civilian police component of MONUA and the Angolan national police. The second event would include a joint seminar of MONUA, UNDP and the Centre for International Crime Prevention for police and prosecutors, as well as a series of training courses and curriculum development to be carried out with the support of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law.

72. With the support of the United Nations Preventive Deployment Force (UNPREDEP), the Centre organized two training courses for police and judicial personnel to combat organized crime and corruption in the former Yugoslav Republic of Macedonia. Members of the civilian police component participated as resource persons

in the courses. With the support of the Special Representative, a handbook on criminal justice standards for law enforcement personnel was translated into Macedonian and distributed among the local police. The International Code of Conduct for Public Officials (General Assembly resolution 51/59, annex) and the Model Treaty on Mutual Assistance in Criminal Matters (General Assembly resolution 45/117, annex) have also been translated with the assistance of UNPREDEP. A book on the most effective measures to combat organized crime has been printed in cooperation with UNPREDEP.

73. Discussions were held with officials from the Department of Peacekeeping Operations of the Secretariat on increasing the involvement of the Centre in missions where a civilian police component is deployed. During a visit to Vienna, the Under-Secretary-General for Peacekeeping Operations expressed his desire to include the Centre in planning and technical missions in order to provide a comprehensive programme to rehabilitate the judicial system. Experience in recent peace-keeping operations has shown that monitoring and training the local police are not enough to make a peacekeeping operation successful. Reforming or rebuilding the criminal justice system is of equal importance. Specifically, the involvement of the Centre in Angola, Bosnia and Herzegovina, Central African Republic, Guatemala and Haiti is under discussion.

74. UNDP has requested the assistance of the Centre in the evaluation of a project providing technical assistance to the Haitian National Police, under which UNDP is providing 11 high-level advisers to the director of the Haitian National Police. In addition, UNDP would like the Centre for International Crime Prevention to join an evaluation mission to Haiti every three months to review the progress made in the police training programme, as well as steps towards complementary judicial reform aimed at improving the functioning of the police.

75. The Department of Peacekeeping Operations has also expressed interest in the development of a handbook containing an overview of the most relevant United Nations standards and norms for law enforcement officials, to be distributed to Member States to enable them to prepare their civilian police before deployment in peacekeeping operations. In addition, the handbook may be distributed to local police forces.

76. A publication on the role of civilian police in peacekeeping operations has been prepared together with the International Centre for Criminal Law Reform and Criminal Justice Policy and the United Nations Interregional Crime and Justice Research Institute and is expected to be issued in 1998.

IV. DEVELOPMENT OF TECHNICAL ASSISTANCE CAPACITY

77. Delivering technical assistance to enable Member States to use their law enforcement and criminal justice resources in a more effective and democratic way is an essential component in the development process, for it contributes to the creation of favourable conditions for peace and stability.

A. Practical tools for technical cooperation

78. In the past, technical cooperation focused mainly on assisting countries, at their request, in the use and application of international standards and norms in the field of crime prevention and criminal justice. Over the years, the volume and range of the requests have increased and the requests have become more specific and technical. The formulation and dissemination of practical tools (model legislation, guidelines and training materials that can be adapted to each national jurisdiction) have become essential features of the services offered. The present section of the report contains an overview of the tools developed and used by the Centre, including some details on those developed in 1997.

1. United Nations standards and norms in the field of crime prevention and criminal justice

79. The Centre relies on a number of internationally recognized and accepted standards and norms in the field of crime prevention and criminal justice that have been elaborated over the last five decades by the Commission and the United Nations congresses on the prevention of crime and the treatment of offenders. The standards and norms have been used in the formulation of national legislation.

2. International conventions

80. States often request the expertise of the Centre in matters concerning the implementation of international conventions. Most recently, the Centre has been requested to assist in the implementation of the Convention on the Rights of the Child with respect to establishing appropriate juvenile justice systems. The Centre has also been involved in assisting in the elaboration of regional conventions on issues such as extradition and mutual assistance. For example, it assisted the member States of ECOWAS in elaborating conventions on extradition and mutual legal assistance in criminal matters that were subsequently adopted.

3. Model treaties

81. The Centre has elaborated a number of model treaties and model agreements. Among the most important are the Model Treaty on Extradition (General Assembly resolution 45/116, annex), the Model Treaty on Mutual Assistance in Criminal Matters, the Model Treaty on the Transfer of Proceedings in Criminal Matters (Assembly resolution 45/188, annex) and the Model Agreement on the Transfer of Foreign Prisoners.[2] In 1997, the Model Bilateral Treaty for the Return of Stolen or Embezzled Vehicles (Economic and Social Council resolution 1997/29, annex II) was developed. Model treaties serve as a basis for negotiation among States wishing to establish procedures for dealing with transnational criminality.

4. Model legislation

82. Model laws are extremely valuable in assisting Member States in their reform efforts. A model law not only serves as a useful basis for the evaluation of existing legislation, but also helps in the formulation of new laws.

83. The Centre is currently engaged in the elaboration of a series of model laws on specific topics. It finalized a model law on juvenile justice that was submitted to an international expert group at a meeting held at Vienna in September 1997. The model law takes into account all stages of the juvenile justice process, including investigation, prosecution and trial hearings, as well as the provision of non-custodial measures and the introduction of restorative justice programmes. It should be applicable in both common-law and civil-law countries.

84. A model law on corruption has been drafted and will be reviewed by an international expert group. A draft model law on money-laundering is currently being prepared in cooperation with UNDCP and will also be submitted to an international expert group. A draft model law on extradition prepared by the Centre was scrutinized by a group of experts during an international seminar on extradition held at Siracusa, Italy, in September 1997. The Centre is currently working on model legislation in the field of mediation techniques and the elaboration of standard penitentiary rules.

5. Training manuals, curricula and material

85. In pursuance of General Assembly resolution 52/85, on follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, the Centre developed for specialized law

enforcement and investigative personnel a training manual on action against organized transnational crime. A first draft of the manual was finalized and submitted to an expert group in December 1997.

86. The Centre also continued its work on a manual on juvenile justice. In 1997, it received valuable comments on the manual from other United Nations entities. The Centre has incorporated those views in a new draft of the manual, which is aimed at assisting trainers in juvenile justice in preparing for workshops on the subject. The Centre will publish the manual in 1998, provided that extrabudgetary resources can be identified.

B. Enhancement of professional skills of staff

87. All professional staff involved in operational activities of the Centre attended a course in project design organized by the Quality Assurance and Evaluation Branch of the United Nations Industrial Development Organization from 28 to 30 January 1997. To put theory into practice, the participatory approach to project design was used to formulate the project concept for the second phase of the programme in Bosnia and Herzegovina. More peer review of drafts, stricter adherence to the UNDP framework and more realistic costing of projects are being required. The technical cooperation staff hold weekly meetings where exchanges of information, experiences and discussions of strategy, methodology and evaluation criteria take place. Staff from other substantive units are frequently brought in to help design and review projects. Seminars by visitors on technical cooperation subjects of general interest and the debriefing of project managers are open to all of the staff of the Centre in order to contribute to the cross-fertilization of ideas and the enhancement of professional skills.

C. Resource mobilization

88. The Economic and Social Council, in its resolution 1997/35, expressed its concern at the lack of adequate resources, which might impede progress in the further operationalization of the United Nations Crime Prevention and Criminal Justice Programme and hamper the implementation of those projects that had been elaborated in response to urgent requests from countries in need. In the same resolution, the Council called upon potential donors and relevant funding agencies to make significant and regular financial and/or other contributions for the formulation and implementation of technical assistance projects elaborated within the framework of the Programme and to strengthen the mandated role of the Programme as facilitator of bilateral assistance.* A number of States (Austria, France, Germany, Italy, Japan, Netherlands, Republic of Korea and Sweden) continue to provide associate experts or long-term consultants for the Programme.

89. The growing number of technical assistance requests could not have been met without the funding of two interregional adviser posts under section 20 of the regular budget of the United Nations. The interregional advisers had an opportunity to incorporate a fund-raising element in some of their missions, thereby contributing to the execution of some of the projects that they had formulated.

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*The Secretary-General, in a note verbale dated 13 October 1997, asked Governments to provide information on, *inter alia*, action taken and measures envisaged in response to the calls of the Council and the Commission to make financial or other contributions to the activities of the Programme. In its reply, the Government of Austria referred to its decision to pledge US$ 80,000 as a voluntary contribution to the Fund. In addition, the Government of Austria will continue to place an Austrian expert at the disposal of the Programme. The Government of Japan indicated that it had contributed US$ 200,000 to the Programme in 1996 and pledged US$ 140,000 in support of the project on firearms. In addition, it contributed US$ 410,000 from its UNDP fund to assist Bosnia and Herzegovina through the project on strengthening the administration of justice in the Republika Srpska.

D. Clearing-house functions

90. The Economic and Social Council, in its resolution 1994/22, requested the Secretary-General to establish a database on technical assistance. Efforts to collect the relevant information resulted in only five responses being received from donor countries and seven from recipient countries. Eight other countries claimed to have neither received nor given assistance in that area. Of the 56 reported technical assistance projects, 45 had consisted in the provision of seminars, training courses or workshops and 32 of those had lasted one week or less. In view of the limited number of responses, the project has been abandoned.

91. Pursuant to Economic and Social Council resolution 1995/12, the European Institute for Crime Prevention and Control set up a database on international projects in crime prevention and criminal justice for eastern and central Europe. The first experimental two-year phase of the database project was financed by funds provided by the Department of State of the United States. An interim report on the effectiveness of the system was prepared by two researchers from Manchester University. The tentative conclusions concerning the database of the European Institute were that the quality of the data was poor because there had been no clear definition of what constituted a project and because of the low response rate from recipient countries. Most of the assistance (about 70 per cent) was directed towards policing and security (illegal trafficking, organized crime and economic crime) while other components of the criminal justice system received relatively little assistance. Most of the assistance was focused on training and expertise rather than on the supply of equipment. Geographical proximity also appears to have been a factor determining the type of aid provided. Practically no assistance was provided in relation to non-custodial sanctions, juvenile justice or victim-related issues.

92. A second phase of the project is being carried out in Estonia. As part of that phase of the project, an impact analysis will be made of the assistance provided, the networks of assistance will be mapped and the assistance process will be examined, from initial discussions between the donor and the recipient to the final implementation of the project. It is hoped that the lessons learned from the projects of the European Institute will also be of value in designing other projects and securing the necessary funds for other countries.

V. COORDINATION WITH OTHER UNITED NATIONS ENTITIES

93. In its resolution 1997/35, the Council commended the increased cooperation between the Centre, the United Nations Crime Prevention and Criminal Justice Programme network and other entities of the United Nations, in particular UNDP, the Department of Economic and Social Affairs and the Office of the United Nations High Commissioner for Human Rights, and called upon those entities, together with the World Bank and other international, regional and national funding agencies, to support technical cooperation activities devoted to crime prevention and criminal justice as a means of guaranteeing effective and sustainable development, utilizing the expertise of the Programme.

A. Closer cooperation with the United Nations International Drug Control Programme

94. The Commission, in its resolution 6/1, section I, expressed its appreciation for the informal meetings of its bureau with the bureau of the Commission on Narcotic Drugs and encouraged the former to continue its efforts to improve the coordination of the work of the two commissions. In February 1998, the two bureaux held an informal meeting in order to continue to improve coordination between the two commissions, including in the area of operational activities. There was a great deal of mutually beneficial cooperation between the two bodies in Africa, central Asia, the Balkans and the Caribbean.

95. A technical cooperation project entitled "Global programme against money-laundering" is being implemented jointly by UNDCP and the Centre. The project is aimed at developing relevant legislation,

improving the capacity of national law enforcement systems and establishing pilot projects. A draft model law to counter money-laundering was prepared and will be reviewed by an international expert group. At the same time, a compendium of relevant national legislation and procedures is being compiled and training materials are being developed.

96. A two-week training seminar on the ECOWAS conventions on mutual assistance in criminal matters and extradition was organized jointly by the Centre and UNDCP at Grand Bassam, Côte d'Ivoire, in September 1997. UNDCP shared the cost of the seminar, provided local organizational support and designated a senior staff member to participate as a resource person at the seminar. In Tajikistan, the Centre participated at a joint programming mission on technical assistance in the control of drug trafficking and crime, and in the assessment of border control in the country.

97. The Centre participated in the formulation of a UNDCP global strategy to eliminate the illicit crop cultivation. The strategy is based on the experiences accumulated in alternative development and supply reduction projects in areas where the coca bush and the opium poppy are grown. The Centre has also been providing substantive input with reference to the law enforcement and criminal justice components of a global strategy against transnational organized crime, corruption and money-laundering in the areas most affected by illicit crop cultivation and drug trafficking. The input will be included in the blueprint for the global plan for the elimination of illicit crops to be presented during the special session of the General Assembly in June 1998.

98. A proposal for closer collaboration in drug and organized crime control among the countries in the Caucasus has been formulated as a result of missions to that subregion by UNDCP and the Centre. Planned joint activities include training workshops, technical advice, law reform and information networks, as well as a programme support unit at Tbilisi.

B. Partnership with the United Nations Development Programme

99. During 1997, the special partnership that the Centre had previously established with UNDP (E/CN.15/1997/17, paras. 72 and 73) was further deepened by the implementation of previous agreements, the signing of new project agreements and the enhancement of substantive collaboration.

100. According to the memorandum of understanding signed in 1996 between the Centre and the UNDP Regional Bureau for Europe and the Commonwealth of Independent States, the Centre is to provide technical assistance, advisory services and substantive expertise in crime prevention and criminal justice, in particular in organized crime control, in combating corruption, in the implementation of the judicial reform and in the improvement of correctional services. Within that framework the Centre has carried out projects in Albania, Bosnia and Herzegovina, Kyrgyzstan, Mongolia and Romania.

101. In South Africa, the Centre provides substantive services to complement the management services of the United Nations Office for Project Services. This arrangement may serve as a model for other projects. Also in South Africa, the Centre and UNDP are experimenting with approaches to coordinating international technical assistance, such as a study and evaluation of all international technical assistance being provided in the area of criminal justice. The study not only will present a complete inventory of assistance provided, but will also attempt to evaluate the impact of that assistance.

102. In Mozambique, the Centre has been asked to help prepare the justice component of the UNDP country programme. Several UNDP offices have also requested the assistance of the Centre in the establishment of legal adviser positions in their offices to monitor and develop projects in the area of criminal justice.

103. UNDP has expressed an interest in discussing on a broader policy level with the Centre post-peacekeeping and post-conflict peace-building activities in which United Nations entities are increasingly being asked to carry out police training, as well as judicial and penal reform. These demands have made it evident that there is no coherent mechanism, beyond the formal peacekeeping and civilian police component operations, to meet this kind of demand for institution-building in the field of crime prevention and criminal justice. The post-conflict needs of Haiti illustrate this point.

C. Collaboration with relevant United Nations bodies in the area of juvenile justice

104. In 1997, the Office of the United Nations High Commissioner for Human Rights UNICEF and the Centre have collaborated in the field of juvenile justice in accordance with Economic and Social Council resolution 1997/30. In that resolution, the Council recognized the need to further strengthen international cooperation and technical assistance in the field of juvenile justice and invited the Secretary-General to consider establishing a coordination panel on technical advice and assistance in juvenile justice, as recommended in the Guidelines for Action on Children in the Criminal Justice System, annexed to that resolution. Action taken with regard to the implementation of Council resolution 1997/30 is presented in the report of the Secretary-General on the use and application of United Nations standards and norms in crime prevention and criminal justice (E/CN.15/1998/8 and Add.1).

D. Office of the United Nations High Commissioner for Human Rights of the Secretariat

105. In addition to the initiative on juvenile justice, the Centre has collaborated with the Office of the United Nations High Commissioner for Human Rights on training activities and technical cooperation projects, and on publishing manuals and implementing standards in crime prevention and criminal justice at the national level. The Centre is also cooperating with the Office of the United Nations High Commissioner for Human Rights in a study aimed at harmonizing technical cooperation activities in the field of human rights. Meetings have taken place to discuss a common methodology in evaluating projects, as well as closer cooperation in monitoring the criminal justice system and rehabilitating judicial systems in post-conflict situations. The Centre participated in a panel discussion organized by the Austrian Government entitled "Human Rights in Development: Role of Advisory Services and Technical Assistance" at Salzburg in July 1997. On that occasion, closer cooperation in field operations was discussed with senior officials of the Office of the United Nations High Commissioner for Human Rights.

E. Department of Economic and Social Affairs of the Secretariat

106. Discussions were held at United Nations Headquarters with the Division for Public Economics and Public Finance of the Department of Economic and Social Affairs to intensify cooperation, particularly in the rehabilitation of criminal justice systems in post-conflict situations. An interregional adviser attended the second expert group meeting on public administration, held at United Nations Headquarters in August 1997. The Centre was requested by the Department to assist in the preparation of a study for UNDP. The study, entitled "Governance and social reconstruction of war-torn societies in Africa: a comparative assessment study on criminal justice systems in Africa", was drafted by two consultants selected by the Centre and was finalized in close consultation with them. A technical adviser from the Division was assigned for six months to Vienna to prepare a handbook on the rehabilitation of judicial systems in cooperation with the Centre. An interregional adviser attended a conference entitled "Public Service in Transition: Enhancing its Role, Professionalism, Ethical Standards and Values", organized by the Greek Government and the Department of Economic and Social Affairs. During the conference, which was held at Thessaloniki in November 1997, the Department and the Centre presented a joint regional project for eastern European countries on good governance and corruption.

107. The Department of Economic and Social Affairs has continued to provide the Centre with financial backstopping and reporting services on projects in Albania, Bosnia and Herzegovina and Kyrgyzstan.

VI. ENHANCING THE IMPACT OF TECHNICAL COOPERATION

108. In order to ensure that the Centre continues to enhance its ability to meet the demands of Member States in the area of technical cooperation, a number of measures should be taken in 1998. The measures would enable the Centre to deal with the fact that a high proportion of its technical cooperation personnel are on either short-term or extrabudgetary posts. Moreover, no project management posts have been allocated, although the number of projects under execution has increased.

109. *Suggestion 1*. The Commission on Crime Prevention and Criminal Justice may wish to recommend that resources of the Centre for International Crime Prevention, both resources from the regular budget of the United Nations and extrabudgetary resources, should be augmented in order to put the Centre in a better position to deal with the demands of Member States for services.

110. The Centre still requires extrabudgetary funding to continue to build its infrastructure for the delivery of technical cooperation projects. Fees for the management of projects will begin to generate small amounts of income with which additional staff could be hired. The amount expected in the near future, however, will not cover the costs of the administrative support staff needed. Accordingly, the Commission may wish to encourage Member States to follow the example of the Governments of Austria and Turkey and make substantial contributions to the United Nations Crime Prevention and Criminal Justice Fund in support of capacity-building in technical cooperation.

111. *Suggestion 2*. The Commission may wish to call upon Member States to provide the services of associate experts and consultants, as well as voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund for backstopping services for the formulation, coordination and implementation of technical assistance projects.

112. Although the Centre has demonstrated the capacity to implement technical cooperation projects, it has still not been granted full executing agency status with UNDP. In order to implement technical support projects and field programme formulation missions rapidly, the Centre must acquire the legal capacity to undertake UNDP advisory missions and carry out small projects without referring to another United Nations executing agency.

113. *Suggestion 3*. The Commission may wish to call upon the Secretary-General and the Administrator of UNDP to grant the Centre legal status as an executing agency for technical assistance projects in the area of crime prevention and criminal justice.

114. The compendium of technical cooperation projects, which is periodically updated, describes more than 30 projects in need of funding. All have been carefully examined and agreed upon with the recipients. Unless there is follow-up, the projects may become outdated, the confidence of the potential recipients may be lost and the plans may be rendered useless.

115. *Suggestion 4*. The Commission may wish to call upon potential donors and relevant funding agencies to finance, through the United Nations Crime Prevention and Criminal Justice Fund or directly to the projects identified in the compendium.

116. The expertise of the Centre has not been fully taken advantage of by other entities of the United Nations system. Similar advisory and operational activities in the fields of peacekeeping, governance, public administration and human rights are being established within other units of the Secretariat.

117. *Suggestion 5.* The Commission may wish to reiterate its call for continued efforts towards fostering synergy between the United Nations programmes in crime control and in drug control and enhancing collaboration with other United Nations entities such as the Office of the United Nations High Commissioner for Human Rights, the Department of Peacekeeping Operations, the Department of Economic and Social Affairs, the United Nations Environment Programme, UNICEF and UNDP.

118. The Centre receives requests for assistance in a number of different fields. Often the Centre does not have the particular expertise in a specialized subject that is required. The Centre has been able to draw upon experts contributed by Member States; however, because of the large number of mandates given by Member States to the United Nations Crime Prevention and Criminal Justice Programme, advisory missions cannot be fielded in all areas.

119. *Suggestion 6.* The Commission may wish to consider which fields of technical cooperation the Centre should concentrate on and to encourage Member States to contribute names for the roster of experts being maintained by the Centre.

Notes

[1]*First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretary-General* (United Nations publication, Sales No. E.56.IV.4), annex I.A; see also *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* (United Nations publication, Sales No. E.92.IV.1), Sect. C.12.

[2]*Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.1, annex I.

Annex

OVERVIEW OF THE TECHNICAL COOPERATION ACTIVITIES OF THE CENTRE FOR INTERNATIONAL CRIME PREVENTION, 1997

Country or area	*Activity*	*Month*	*Other information*
Albania	Consultant mission	October 1997	
	Initiation of UNDP project activities and consultations with the Minister of Justice, UNDP, UNICEF, the Organization for Security and Cooperation in Europe and other international organizations	November 1997	An outline of an action plan was prepared and a local project manager and a project assistant were appointed.
Angola	MONUA training seminar on human rights and crime prevention for observers of the civilian police component	October 1997	CICP made a contribution as facilitator to a joint seminar.
	Follow-up mission of CICP and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law to discuss the organization of a joint MONUA/UNDP/CICP seminar for police forces and to consult with UNDP on criminal justice matters	December 1997	An earlier CICP project proposal for strengthening the capacity of the criminal justice system to prevent corruption and organized crime activities was discussed, as well as proposals for an assessment of the Angolan criminal justice system. Proposals for police and prosecutor training were formulated.
Bangladesh	Mission to formulate a study for strengthening the legal framework for human security	January 1997	The present situation was assessed with respect to human security and existing legal and institutional protection mechanisms.
	Mission to develop a technical assistance project on the administration of justice	November 1997	

Country or area	*Activity*	*Month*	*Other information*
Bosnia and Herzegovina	Technical backstopping mission	January and April 1997	Discussions took place with local authorities regarding UNDP projects on strengthening the criminal justice system.
	Consultant mission on training of prison officers	January, March, July and September 1997	Consultations were held on a training manual for corrections officers. The manual was revised and training aids were provided.
	Consultant mission on computerization in the criminal justice system	December 1996 and February 1997	Computer equipment and training requirements were assessed.
	Evaluation of planned computer system and discussions with suppliers	July 1997	Suppliers' offers were examined. The application software package used at the Pozarevac courts was reviewed.
	Assistance in law reform (consultant)	February, April, May, June and October 1997	Substantive and financial support to the Law Reform Commission of the Federation of Bosnia and Herzegovina on the revision of the penal and procedural code.
	Advisory mission on anti-corruption	July 1997	A possible anti-corruption law was discussed.
	Consultants on through-care for prisoners, including post-release support and supervision	July 1997	A meeting was held with representatives of the Ministry of Justice, prison staff and social service agencies. Recommendations for future project activities were formulated.
	Advisory services and assessment of special needs in juvenile justice (consultant)	August and September 1997	Meetings were held with representatives of the Ministry of Justice, social workers and juvenile institutions. A proposal on the creation of halfway houses for juveniles was formulated.
	Training seminar for prison staff (consultant)	October 1997	A seminar on training techniques was held.
	Evaluation of a computerization programme designed by the working group of the Ministry	November 1997	Overall automation in criminal justice system was discussed with government officials. Three cantons were selected as pilot recipients of the computer system. Meetings were held with various suppliers to determine their capacities.

Country or area	*Activity*	*Month*	*Other information*
China	Consultations with officials of the Ministry of Justice and Public Security	September 1997	Topics discussed included enhancing capacities to cope with organized crime, prison reform and related training activities.
Croatia	Fact-finding mission for the formulation of a project against organized crime	July 1997	A project for training police and law enforcement officials was formulated.
	Meeting on alternative sanctions for juveniles, organized by the Council of Europe	October 1997	Assistance was provided in the implementation of a technical cooperation project in the field of juvenile justice, funded by the Council of Europe.
Guatemala	Fact-finding mission on assistance in the implementation of the minors' code and the improvement of the juvenile justice system	November 1997	A meeting was organized by the Government of Guatemala, The World Bank and the Inter-American Development Bank.
Guinea	Training seminar on human rights for senior penitentiary staff	May 1997	The seminar was organized by the United Nations High Commissioner for Human Rights. A project to fight against corruption was formulated.
	Training seminar on human rights for senior police staff	November 1997	The seminar was organized by the United Nations High Commissioner for Human Rights. A project on corruption was changed to a larger project to fight economic and financial crime.
Haiti	Project evaluation mission on penitentiary reform undertaken at the request of UNDP	April 1997	There was an evaluation of the progress made in the rehabilitation of the criminal justice system and the creation of a national penitentiary administration.
Kazakhstan	Joint mission with UNDCP	October 1997	Discussions were held with the Secretary-General of the National Commission for Administrative Reforms on the restructuring of the Ministry of the Interior.

Country or area	*Activity*	*Month*	*Other information*
Kyrgyzstan	Study tour for national director	April 1997	These activities were part of an ongoing project of the Danish International Development Agency and UNDP to fight organized crime. Equipment was purchased.
	Instructors on field operations	October 1997	
	Advisory mission of the chief technical adviser to prioritize the allocation of available resources	October 1997 and January 1998	
Lebanon	Needs assessment mission on the formulation of anti-corruption and juvenile justice projects	October 1997	Two separate project proposals, on corruption and on the reform of the juvenile justice system, were developed.
	Further consultations with Government officials	November 1997	CICP participated in a workshop on corruption and the means for combating it.
	Preparatory assistance mission	December 1997	The first activities related to the project on juvenile justice were implemented.
Mongolia	Needs assessment mission on restructuring the entire police organization and the modernization of equipment	September 1997	A report was submitted.
Mozambique	Fact-finding mission	October 1997	Information was gathered regarding the identification of areas of need in crime prevention and criminal justice, police reform, assistance to the Law Reform Commission, the creation of judicial training centres and prison reform.
	Follow-up mission	December 1997	Assistance was provided in the preparation of a UNDP country justice programme and of a national prison reform project.

Country or area	*Activity*	*Month*	*Other information*
Romania	Technical assistance mission for the review and formulation of an anti-corruption law	March 1997	The law in question is currently under consideration by the Parliament.
	Needs assessment mission on governance, democracy and development	June and September 1997	An assessment was made of the organization and structure of the intelligence service. A detailed project proposal is under preparation.
	Follow-up mission on the development of the anti-corruption project (institution-building and strengthening the capacity to control organized crime)	September 1997	Discussions were held with the Minister of Justice on the establishment of a centralized anti-corruption unit, the organization of training and awareness campaigns against corruption.
Russian Federation	Seminar on Computerization of Criminal Justice Information	June 1997	The seminar was organized by the Government of the Russian Federation and the European Institute for Crime Prevention and Control, affiliated with the United Nations, as part of the assistance programme in judicial reform in the Russian Federation.
Rwanda	Fact-finding mission	August 1997	Assistance was provided in the implementation of two UNICEF projects, one on the training of judges and prosecutors on trials against children charged with genocide and the other on children in conflict with the law.
	Chairing of a workshop on juvenile judges for judges and prosecutors	July 1997	The workshop was organized by UNICEF.
Senegal	Mission to finalize a pilot project on the prevention of urban crime in the city of Dakar	July and October 1997	Consultations were held with government representatives and other parties involved.

Country or area	*Activity*	*Month*	*Other information*
South Africa	Formulation of two project documents to strengthen a series of initiatives in support of the national crime prevention strategy and in the area of youth justice and to formulate a plan of action in the area of transnational crime	March 1997	On the basis of the formulated projects, a preparatory assistance project was prepared for UNDP funding.
	Expert mission to assist in the formulation of a victimization survey	June 1997	
	Technical advisory mission to formulate a project proposal on organized and commercial crime	September 1997	The purpose was to follow up with the National Crime Prevention secretariat, relevant ministries and non-governmental organizations on joint CICP/UNDP project proposals.
	Expert mission on gathering and use of police statistics	September 1997	
	Mission to monitor ongoing projects	November 1997	Preparatory assistance in support for the national crime prevention strategy was initiated and future projects were discussed with UNDP for European Community funding.
Swaziland	Preliminary needs assessment mission	March 1997	Feasibility study for UNDP on the establishment of a national crime prevention council.
Tajikistan	Technical assistance mission on strengthening the capacities of border control police in the fight against transnational organized crime and drug trafficking	November 1997	UNDCP programming mission.
The former Yugoslav Republic of Macedonia	Training courses on combating organized crime and corruption	September and October 1997	The UNDP assistance project against corruption and organized crime; a project for the gathering of statistics; the creation of financial police; and specialized training for police were also discussed.
	Law Reform Group established	December 1997	A pocket book for law enforcement officials and a book on most effective measures to combat organized crime and corruption were published.

Country or area	*Activity*	*Month*	*Other information*
Ukraine	Consultations regarding organization of the United Nations regional meeting on organized transnational crime; and discussion on cooperation in the areas of organized crime control and judicial reform	October 1997	The purpose was to follow up the Naples Political Declaration and Global Action Plan against Organized Transnational Crime.
Africa	African Regional Ministerial Workshop on Follow-up of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime	July 1997	Consultations were held with government officials on strengthening technical assistance and cooperation with all African countries in the field of organized crime, corruption, money-laundering. Several subregional projects on corruption, organized crime and trafficking were endorsed.
Western Africa	Training seminar on the practical implementation of the conventions on extradition and mutual legal assistance in criminal matters for ECOWAS countries	September 1997	This was part of a joint project with UNDCP, in cooperation with ECOWAS. It was the first phase of a project on strengthening legal cooperation among States in western Africa.

Note:

CICP Centre for International Crime Prevention
ECOWAS Economic Community of West African States
MONUA United Nations Observer Mission in Angola
UNDCP United Nations International Drug Control Programme
UNDP United Nations Development Programme
UNICEF United Nations Children's Fund